

tutions, so called, House joint resolutions 84 and 85; to the Committee on the Judiciary.

Also, petition of C. L. Goodspeed and 21 citizens of the town of Dennis, Mass., favoring passage of so-called widow's pension bill; to the Committee on Invalid Pensions.

By Mr. WARD: Petition of Fred M. Sawyer, pastor of Methodist Episcopal Church, Chatham Center, N. Y., against sale of intoxicating liquors in island of Porto Rico; to the Committee on Insular Affairs.

Also, petition of W. S. Empleton, of Grahamsville, N. Y., and others, favoring national prohibition; to the Committee on the Judiciary.

## SENATE.

WEDNESDAY, March 29, 1916.

(Legislative day of Tuesday, March 28, 1916.)

The Senate reassembled at 12 o'clock a. m., on the expiration of the recess.

Mr. CHAMBERLAIN. Mr. President, I ask that House bill 12766, reported from the Committee on Military Affairs of the Senate, be proceeded with.

The VICE PRESIDENT. The Chair lays the bill before the Senate.

The SECRETARY. A bill (H. R. 12766) to increase the efficiency of the Military Establishment of the United States.

Mr. SMOOT. Mr. President, I suggest the absence of a quorum.

The VICE PRESIDENT. The Secretary will call the roll.

The Secretary called the roll, and the following Senators answered to their names:

Ashurst	Hollis	Overman	Sutherland
Bankhead	Hughes	Page	Swanson
Beckham	Husting	Phelan	Taggart
Borah	James	Pittman	Thomas
Brandeggee	Johnson, S. Dak.	Ransdell	Thompson
Catron	Jones	Shafroth	Tillman
Chamberlain	Kenyon	Sheppard	Townsend
Clapp	Kern	Sherman	Vardaman
Clark, Wyo.	McCumber	Simmons	Wadsworth
Culberson	Martin, Va.	Smith, Ga.	Walsh
Curtis	Martine, N. J.	Smith, Mich.	Warren
Dillingham	Myers	Smoot	Weeks
Gallinger	Norris	Sterling	Works
Harding	Oliver	Stone	

Mr. KERN. I wish to announce the unavoidable absence of the senior Senator from Florida [Mr. FLETCHER]. He is absent on official business. I will let this announcement stand for the day.

The VICE PRESIDENT. Fifty-five Senators have answered to the roll call. There is a quorum present.

### THE SUGAR INDUSTRY.

Mr. SIMMONS addressed the Chair.

The VICE PRESIDENT. Does the Senator from Oregon yield to the Senator from North Carolina?

Mr. CHAMBERLAIN. I yield.

Mr. SIMMONS. I wish to ask unanimous consent out of order to submit a report from the Committee on Finance.

The VICE PRESIDENT. Is there objection? The Chair hears none.

Mr. SIMMONS. On behalf of the Committee on Finance I report back favorably with an amendment the bill (H. R. 11471) to amend an act entitled "An act to reduce tariff duties and to provide revenue for the Government, and for other purposes," approved October 3, 1913, and I submit a report (No. 317) thereon. This is the bill commonly known as the sugar bill, and I report it with the recommendation that it be passed as proposed to be amended.

The VICE PRESIDENT. The bill will be placed on the calendar.

### NATIONAL-PARK SYSTEM.

Mr. THOMAS. Mr. President—

The VICE PRESIDENT. Does the Senator from Oregon yield to the Senator from Colorado?

Mr. CHAMBERLAIN. I yield.

Mr. THOMAS. I ask unanimous consent out of order to present a series of resolutions from the Gilpin County Metal Miners' Association and the Clear Creek County Mining Association, of Colorado, protesting against a further extension of the national-park system to the domain of that State. I move that the resolutions be referred to the Committee on Public Lands.

The motion was agreed to.

### DESERT-LAND ENTRIES IN RIVERSIDE COUNTY, CAL.

Mr. WORKS. Mr. President—

The VICE PRESIDENT. Does the Senator from Oregon yield to the Senator from California?

Mr. CHAMBERLAIN. I yield, but I should like very much to proceed with the pending measure before the Senate.

Mr. WORKS. I wish to ask for the present consideration of Senate bill 4671, which is on the calendar. It is an urgent matter.

Mr. CHAMBERLAIN. I am willing to yield to that if it does not lead to discussion. I am familiar with the bill, and I think it ought to be attended to promptly.

The VICE PRESIDENT. Is there objection to the present consideration of the bill (S. 4671) to exempt from cancellation certain desert-land entries in Riverside County, Cal.?

Mr. SIMMONS. Mr. President, let us know what the bill is before we give our consent to its present consideration.

The VICE PRESIDENT. The Secretary will read the bill.

The Secretary read the bill.

The VICE PRESIDENT. Is there objection to the present consideration of the bill?

Mr. SIMMONS. That seems to be a rather complicated matter and it requires some explanation, at least. I am rather constrained to object.

Mr. WORKS. If the Senator will allow me to explain it, I think he will not object to its present consideration. It involves the cancellation of a number of entries on desert land and simply extends the time in order to allow the entrymen to procure water for the land. If the bill is not passed, their rights will be forfeited. Therefore it becomes a very important matter.

Mr. SIMMONS. Will the Senator state whether there was any division in the committee that reported the bill?

Mr. WORKS. None at all; and it is recommended by the Secretary of the Interior, in order to protect the rights of these desert-land entrymen.

Mr. SIMMONS. And it is necessary to pass it before the 1st day of May?

Mr. WORKS. Yes, sir; it is.

Mr. SIMMONS. As there was a unanimous report of the committee and it is recommended by the department, I withdraw my objection.

There being no objection, the Senate, as in Committee of the Whole, proceeded to consider the bill, which had been reported from the Committee on Public Lands with amendments, on page 2, line 3, before the word "Riverside," to insert "in," and on the same page, line 15, after the word "May," to insert "first," so as to make the bill read:

*Be it enacted, etc.,* That no desert-land entry heretofore made in good faith under the public-land laws for lands in townships 4 and 5 south, range 15 east; townships 4 and 5 south, range 16 east; townships 4, 5, and 6 south, range 17 east; townships 5, 6, and 7 south, range 18 east; townships 6 and 7 south, range 19 east; townships 6 and 7 south, range 20 east; townships 4, 5, 6, 7, and 8 south, range 21 east; townships 5, 6, and sections 3, 4, 5, 6, 7, 8, 15, and 19, in township 7 south, range 22 east; township 5 south, range 23 east, San Bernardino meridian, in Riverside County, State of California, shall be canceled prior to May 1, 1919, because of failure on the part of the entrymen to make any annual or final proof falling due upon any such entry prior to said date. The requirements of law as to annual assessments and final proof shall become operative from said date as though no suspension had been had. If the said entrymen are unable to procure water to irrigate the said lands above described through no fault of theirs, after using due diligence, or the legal questions as to their right to divert or impound water for the irrigation of said lands are still pending and undetermined by said May 1, 1919, the Secretary of the Interior is hereby authorized to grant a further extension for an additional period of not exceeding two years.

The amendments were agreed to.

The bill was reported to the Senate as amended, and the amendments were concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

### NATIONAL DEFENSE.

The Senate, as in Committee of the Whole, resumed the consideration of the bill (H. R. 12766) to increase the efficiency of the Military Establishment of the United States.

Mr. CHAMBERLAIN. Mr. President, I desire to say that it had been my purpose to address the Senate on the subject of the military policy of the United States from colonial times until this present bill. It would not have taken very much time, but it would have taken more time than I thought I ought to consume at the expense of the business of the Senate. It seems to me that the people of the country are demanding results rather than a discussion of these questions, and for that reason I have concluded not to undertake to address the

Senate at length on the subject, but to confine myself to this particular measure that has been reported from the Senate Committee on Military Affairs.

That there has been inefficiency in the military system of the country, Mr. President, goes without saying.

Mr. BORAH. Mr. President, can we have order, so that we may hear what the Senator from Oregon is saying?

Mr. CHAMBERLAIN. It does not disturb me, Mr. President.

Mr. BORAH. It disturbs me, because I am interested in what the Senator is saying.

The VICE PRESIDENT. The Chair for three years has been requesting order in the Senate, and has not secured it yet.

Mr. CHAMBERLAIN. I was remarking that there has been inefficiency in our military policies and systems since the earliest colonial times goes without saying, Mr. President, and there is no better evidence of that fact than that Washington, as commander of the forces during the Revolution, judging from the records, seems to have spent most of his time in writing letters to the Continental Congress and in appealing to them for some assistance in the way of the creation of an efficient army for the purposes of the Revolution. His appeals fell upon deaf ears, because practically at no time were his requests upon the Continental Congress complied with. There was a division of responsibility between the State authorities and the National Government which rendered the Continental Army at all times more or less inefficient, and not until the Continental Congress of the United States, in the final days of the Revolution, vested in Washington almost absolute power and authority was he able to control the situation which confronted him.

From that time until this recommendations have been made by distinguished Secretaries of War and by distinguished Army officers to the Congress of the United States, pointing out not only the inefficiencies but suggesting methods by which they might be avoided and by which some relief might be granted. Gen. Knox, one of the earliest Secretaries of War—in fact, the first after the Revolution—formulated a plan for the organization of an efficient army, but no action was taken upon it. Subsequent to his time other Secretaries of War and other distinguished officers and retired officers of the Army have formulated plans for the organization of the armed forces of the United States, both the Regular troops and the militia, but I believe none of those recommendations have been at any time more than partially complied with.

In 1912 the then distinguished Secretary of War, who gave this subject very great consideration—I refer to Mr. Stimson—called upon the General Staff to formulate a policy and to report upon the organization of the land forces of the United States. On the 10th of August, 1912, he embodied that report in a printed document, and in it he said:

The accompanying report of the General Staff on the organization of the land forces of the United States contains the broad outlines of a comprehensive military policy. The General Staff has been directed to proceed with a detailed study of the plan with a view of securing specific recommendations for the executive and legislative action necessary to carry the policy into effect. During the progress of this work notes and suggestions with a view of perfecting the policy are invited, and for this purpose the report is published for the consideration of the Army, the National Guard, and all others who are interested in the development of a sound military policy for the Nation.

That document was published, and it was pretty generally considered by all those who were interested in a military policy for this country, but nothing was done by Congress.

Some of the suggestions which were made by the General Staff at that time have been embodied in the law from time to time in the way of riders on appropriation bills; and I want to say, Mr. President, that nearly all the military legislation of this country that has been curative and that has been effective has been enacted by placing riders on appropriation bills, where they have no place whatsoever. But there seemed to be no other way to correct the inefficiency that existed in the military system of the country.

The Senate will probably remember that in the Sixty-third Congress the distinguished then Secretary of War, Mr. Garrison, asked me to introduce for him several measures, all intended to perfect the military system of the country and to cure defects which existed therein, and it was hoped that eventually these bills might be attached as riders to the Army appropriation bill. My position then, Mr. President, with the Secretary of War and my position since has been that these military appropriation bills are not intended to carry general legislation. I differed from the Secretary of War about that and insisted that he ought to have a measure formulated by those experts of the Army who are capable of doing the work, place it in the form of a statute, and submit the matter to Congress, so that the responsibility for the enactment of a proper military policy should be placed upon

the Congress of the United States by the suggestion of one consistent and perfected measure that the Congress could act upon.

The result was that nothing was done with that piecemeal legislation, Mr. President, but the Secretary of War very properly did this: He called upon the General Staff to take up for consideration the report which had been made by Mr. Stimson, and to extend it to the present time. What was done by the General Staff and the War College was very properly also embodied in a report, which I have before me, and it states:

This appendix consists of the statement of proper military policy, prepared by the War College division of the General Staff Corps in response to orders issued to them in the month of March, 1915, to prepare and submit a complete and exhaustive study on this subject. This statement, with its accompanying estimation of cost, was submitted to me—

That is, to Secretary of War Garrison—

on the 11th day of September, 1915, and transmitted to you—

That is, the President of the United States—

on September 17, 1915, together with my own final recommendation in the premises.

Mr. President, that report, which was at that time submitted by the Secretary of War to the President September 17, 1915, is an extension of the report which was formulated by the General Staff under the administration of the War Department by Mr. Stimson. I am not going to read the report, but I am going to read just the first statement of it, so that the Senate may see, when this bill has been read, that the bill follows in the main all of the suggestions which were embodied in the report and the extension of the report of 1912.

I particularly call the Senate's attention to this, because, if Senators will observe the reading of the bill, they will find that while the Military Committee may have disagreed as to numbers in the report probably both as to the enlisted personnel and as to the officers, we have followed the general outlines which have been recommended by an expert body of men.

The substance of this policy will, therefore, be a clearly and succinctly expressed statement, with the reasons therefor, of a proper military policy for the United States, for the organization of—

I. (a) The Regular Army; (b) the Organized Militia.

This should be followed by—

II. A careful study of the question of a reserve for both the Regular Army and the Organized Militia and, if possible to agree upon it, a plan for the formation of such reserves.

III. The Volunteers: Their organization and relation to the Regular Army and the Organized Militia.

IV. Reserve material and supplies which should be available and which can not be promptly obtained if delayed till the outbreak of war.

Of course this committee did not have anything to do about that in this bill, because that comes on the supply bills in another measure.

The Secretary of War is of the opinion that a statement which shall contain everything that is pertinent to the foregoing subjects will inform Congress of all the essential things that the best judgment of the War Department thinks it is justified in asking Congress to provide in peace and to be prepared to provide in war. These things, being such as commend themselves to the general military intelligence, if they do not so commend themselves there can be no policy such as is now aimed at, may be assumed to be those that will be asked for by succeeding administrations of the War Department—at least, they will indicate the general line of development to be pursued. Such a statement will constitute what he has in mind as a comprehensive military policy.

There are many other things that will from time to time be asked of Congress or, when authority exists for it, that will be done without asking legislation. Such things may be requests for appropriations to build new posts in view of the abandoning of others; the concentration of the Army in a smaller number of posts in definite areas of the country; projects for promotion, retirement, etc.; plans for training the Army and the militia, etc.

Such things have no part in the statement of a general military policy which the Secretary of War now desires to have prepared, and, in order to save time and labor and to concentrate attention upon that which is essential, he desires any such extraneous matter to be eliminated from the study which he has directed.

That is a brief résumé, Mr. President, of the line of policy that was laid down by the War College, and it is the line which has been followed very largely by this committee in the consideration of a military policy.

Mr. SMITH of Michigan. Mr. President, will the Senator from Oregon yield to me?

The VICE PRESIDENT. Does the Senator from Oregon yield to the Senator from Michigan?

Mr. CHAMBERLAIN. I yield.

Mr. SMITH of Michigan. In laying down the principles of the General Staff and of the then Secretary of War, I do not understand that they indicate the extent to which the Army should be increased. Am I misinformed about that?

Mr. CHAMBERLAIN. It practically recommends the strength of the Army.



Mr. SMITH of Michigan. What was the maximum strength of the Army which they recommended? I do not in asking the question desire to divert the Senator from the course of argument he wishes to pursue.

Mr. CHAMBERLAIN. They recommended something near half a million with the colors and in the reserves, as I now recall.

Mr. SMITH of Michigan. And what is the plan as now proposed by the Senator from Oregon and his committee?

Mr. CHAMBERLAIN. If the Senator from Michigan will allow me to proceed in regular order, I think I shall get all that before the Senate; but I will now say that the maximum proposed by the Senate bill, or, rather, the House bill as proposed to be amended by the Senate committee, is 250,000 of the regular force; but the number of troops provided for in the bill, exclusive of the Quartermaster Corps and the Hospital Corps, is about 178,000. I will say to the Senate that I think I shall get the answers to most of the questions which are likely to be asked me before the Senate in the course of my statement, and then, after I have made the statement, I shall be very glad to attempt to answer anything which Senators may desire to ask.

Mr. BRANDEGEE. Mr. President, will the Senator from Oregon, before he proceeds, clearly state what he means by the maximum of 250,000, and yet that the bill only provides for 178,000?

Mr. CHAMBERLAIN. We put that—178,000 men—as the minimum strength of the Army.

Mr. BRANDEGEE. But that could be increased to 250,000?

Mr. CHAMBERLAIN. It could be increased to 250,000 without any further legislation.

Mr. President, I desire to ask to have printed as a part of my statement in this matter the "Statement of a Proper Military Policy for the United States," of date September, 1915. It is not very long and it will itself answer a great many questions which will be asked about the matter.

The VICE PRESIDENT. Without objection, it is so ordered. The matter referred to is as follows:

STATEMENT OF A PROPER MILITARY POLICY FOR THE UNITED STATES.  
[Prepared by the War College Division, General Staff Corps, in compliance with instructions of the Secretary of War, March, 1915.]

#### APPENDIX C.

This appendix consists of the Statement of Proper Military Policy, prepared by the War College Division of the General Staff Corps, in response to orders issued to them in the month of March, 1915, to prepare and submit a complete and exhaustive study on this subject. This statement, with its accompanying estimation of cost, was submitted to me on the 11th day of September, 1915, and transmitted to you on September 17, 1915, together with my own final recommendation in the premises.

#### WAR COLLEGE DIVISION.

WAR DEPARTMENT,  
OFFICE OF THE CHIEF OF STAFF,  
Washington, September 11, 1915.

Memorandum for the Chief of Staff:  
Subject: Military policy.

I. Memorandums from your office, dated March 11 and March 17, 1915, directed the War College Division to make a complete and exhaustive study of a proper military policy for the United States, and to prepare a clearly and succinctly expressed statement of the policy, basing it, in a general way, upon the "Report on the Organization of the Land Forces of the United States, 1912," "eliminating everything that is not necessary for the easy and quick comprehension of the military policy, and adding anything which may be necessary to afford such comprehension."

2. The following extract from the memorandum of March 17, 1915, gives the subjects which the "statement" was to cover, viz:

"The substance of this policy will, therefore, be a clearly and succinctly expressed statement, with the reasons therefor, of the recommended strength and organization of—

- "I. (a) The Regular Army.
- (b) The Organized Militia."

This should be followed by—

"II. A careful study of the question of a reserve for both the Regular Army and the Organized Militia and, if possible to agree upon it, a plan for the formation of such reserves.

"III. The Volunteers: Their organization and relation to the Regular Army and the Organized Militia.

"IV. Reserve material and supplies which should be available and which can not be promptly obtained if delayed till the outbreak of war.

"The Secretary of War is of the opinion that a statement which shall contain everything that is pertinent to the foregoing subjects will inform Congress of all the essential things that the best judgment of the War Department thinks it is justified in asking Congress to provide in peace and to be prepared to provide in war. These things, being such as commend themselves to the general military intelligence (if they do not so commend themselves, there can be no policy such as is now aimed at), may be assumed to be those that will be asked for by succeeding administrations of the War Department—at least, they will indicate the general line of development to be pursued. Such a statement will constitute what he has in mind as a comprehensive military policy.

"There are many other things that will from time to time be asked of Congress or, when authority exists for it, that will be done without asking legislation. Such things may be requests for appropriations to

build new posts in view of the abandoning of others; the concentration of the Army in a smaller number of posts in definite areas of the country; projects for promotion, retirement, etc.; plans for training the Army and the militia, etc.

"Such things have no part in the statement of a general military policy which the Secretary of War now desires to have prepared, and, in order to save time and labor and to concentrate attention upon that which is essential, he desires any such extraneous matter to be eliminated from the study which he has directed."

3. Following these lines, the accompanying "Statement of a Proper Military Policy for the United States" was prepared.

4. It is proposed to supplement this paper later with memoirs on such subjects as require more detailed discussion than would be appropriate to this paper.

M. M. MACOMBE,

Brigadier General, Chief of War College Division.

#### INTRODUCTION.

#### THE MILITARY PROBLEM CONFRONTING THE UNITED STATES.

1. The evolution of national military policies: National policies are evolved and are expanded as the Nation grows. They reflect the national sense of responsibility and also the national ambitions. They constitute the doctrine underlying acts of statesmanship and diplomacy. A nation's military policy is the national doctrine of self-preservation. The world is never without virile, capable, and progressive nations, the circumstances of whose development have imbued them with the belief that their vital interests demand an active aggressive policy. They are forced to resort to universal service in the effort to fulfill, at any cost, what they conceive to be their destiny. In the United States the development of the Nation has proceeded under an environment so favorable that there is no well-defined public opinion in regard to what constitutes an adequate military policy. Heretofore isolation, combined with the necessity of preserving the balance of power, has been a sufficient guaranty against strong hostile expeditions from Europe or Asia. The safeguard of isolation no longer exists. The oceans, once barriers, are now easy avenues of approach by reason of the number, speed, and carrying capacity of ocean-going vessels. The increasing radii of action of the submarine, the aeroplane, and wireless telegraphy all supplement ocean transport in placing both our Atlantic and Pacific coasts within the sphere of hostile activities of overseas nations.

The great mass of the public does not yet realize the effect of these changed conditions upon our scheme of defense.

Another thing that militates against the evolution of a sound military policy for our country is the erroneous conclusion drawn by the people from our past experiences in war. In developing such a policy victory is often a less trustworthy guide than defeat. We have been plunged into many wars and have ultimately emerged successfully from each of them. The general public points to these experiences as an indication that our military policy has been and still continues to be sound. That this is not really the belief of those in authority is shown by the fact that each war of importance has been followed by an official investigation of our military system and the policy under which it operated. The reports of these investigations give a startling picture of faulty leadership, needless waste of lives and property, costly overhead charges augmented by payment of bounties to keep up voluntary enlistments, undue prolongations of all these wars, and finally reckless expenditure of public funds for continuing pensions. These documents supply convincing proofs that all such shortcomings have been due entirely to a lack of adequate preparation for war in time of peace. But we have not yet learned our lesson. It has never been driven home by the bitterness of defeat. We have never known a Jena or a Sedan. At no stage of our national life have we been brought face to face with the armed strength of a great world power free to land sufficient forces to gain a foothold at any desired portion of our coasts. That we have to some extent felt this danger is evidenced by our efforts to provide a navy as a first line of defense and to supplement it with the necessary harbor fortifications; but we have not yet realized that our ultimate safeguard is an adequate and well-organized mobile land force. Experience in war has shown the need of these three elements, but the public has not yet demanded that they be perfected, coordinated, and combined in one harmonious system of national defense. Not until this has been accomplished will a proper military policy for the United States be adopted.

2. Our abiding national policies: The majority of our people have always believed in asserting their own rights and in respecting those of others. They desire that the cause of right should prevail and that lawlessness should be crushed out. To live up to these high ideals imposes upon us new duties as a world power; duties that require something more positive than a policy of mere passive defense. In addition, there are two underlying and abiding national policies whose maintenance we must consider as necessary to our national life. These are the "Monroe doctrine" and the policy of avoiding "entangling alliances." They are distinctive and affect our international relations in a definite manner. In addition, policies may develop in the future as a result of international relations with respect to trade conditions.

A general consideration of our responsibilities as a Nation and of our geographical position indicates that the maintenance of our abiding policies and interests at home and abroad involves problems of defense measures both on land and on sea. The solution of the general problem of national defense must be sought in the provision of adequate land and sea forces and a consideration of their coordinate relationship.

3. Coordinate relationship of Army and Navy: Upon the Navy devolves the solution of the problem of securing and maintaining control of the sea. To accomplish this it must be free to take the offensive promptly—that is, to seek out and defeat the enemy fleet. The use of any part of the high-sea fleet for local defense defeats the chief object of the Navy and is a misuse of naval power. A fleet defeated at sea and undefended by an adequate army is powerless either to prevent invasion or even its own ultimate destruction by combined hostile land and naval forces. In illustration compare the cases of the Spanish Fleet at Santiago and the Russian Fleet at Port Arthur with the present example of the German, Austrian, and Turkish Fleets under the protection of land forces.

Upon the Army devolves the task of gaining and maintaining on shore the ascendancy over hostile land and naval operations. To accomplish this it must be able to seek out promptly and to defeat, capture, or destroy the invader wherever he may attempt either to secure a footing upon our territory or to enter the waters of our har-

bors with the objective of threatening the destruction of the seaport or of a fleet driven to seek refuge or repair therein.

The problems involved in operations against hostile land forces are complex and include only as an incident the protection of harbor defenses on the land side. The problems of harbor defense against attack from the sea are simple and passive in their nature.

4. Coordinate relationship of statesman and soldier: In our country public opinion estimates the situation, statecraft shapes the policy, while the duty of executing it devolves upon the military and naval departments.

Such a doctrine is sound in direct proportion to its success in producing a military system capable of developing fighting power sufficient to meet any given national emergency, at the proper time, supported by all the resources, technical and economic, of the country, in a word—preparedness. All the other world powers of to-day have realized the necessity of maintaining highly trained and organized military and naval forces in time of peace, and all, or nearly all, are allied in powerful coalitions.

Without superiority on the sea or an adequate land force there is nothing to prevent any hostile power or coalition of powers from landing on our shores such part of its trained and disciplined troops as its available transports can carry. The time required is limited only by the average speed of its vessels and the delay necessarily consumed in embarking and disembarking.

In order that the American people can intelligently decide on a doctrine of preparedness which shall constitute the military policy of the United States, and that Congress and the Executive may be able to carry out their decision, information concerning the military strength of other great nations and shipping available for transport purposes must be clearly set forth.

*Preparedness of the great powers for over-sea expeditions.*

Nation.	Strength of army.	Tonnage available of ships with capacity over—			First expedition using 50 per cent of tonnage given.		Second expedition using 75 per cent of tonnage given.		Time needed to—	
		3,000 tons.	2,000 tons.	1,000 tons.	Men.	Animals.	Men.	Animals.	Load and cross ocean with first expedition.	Return, load, and recross with second expedition.
									Days.	Days.
Austria-Hungary.....	4,320,000	.....	762,756	.....	72,000	14,000	108,000	21,600	20.7	40.4
France.....	5,000,000	.....	1,705,931	.....	160,931	32,186	243,295	48,279	15.8	30.0
Germany.....	5,000,000	.....	3,569,962	4,018,185	387,000	81,270	440,000	94,600	15.8	30.8
Great Britain.....	1,695,000	13,000,000	.....	.....	170,000	.....	.....	.....	14.0	27.0
Italy.....	2,600,000	.....	1,065,321	.....	91,000	13,650	136,000	20,475	18.3	35.0
Japan.....	2,212,000	.....	.....	1,013,985	95,745	24,416	142,622	36,623	22.5	41.0
Russia.....	5,000,000	.....	428,019	.....	37,630	7,940	66,444	11,918	20.5	40.0

<sup>1</sup> 240,000 territorials.

<sup>2</sup> Japanese field regulations indicate the intention to use steamers of 1,000 tons; for this reason and because of the large amount of steamers between 10 and 12 knots speed, 11 Japanese steamers over 10 knots speed and a thousand tons gross have been considered.

Fifty per cent has been assumed as the figure representing the amount of shipping in or within call of home ports at outbreak of war.

NOTE.—The allowance prescribed in our Field Service Regulations of 3 tons per man and 8 tons per animal for ships over 5,000 tons and 4 tons per man and 10 tons per animal for vessels under 5,000 tons has been used in estimating the capacity of ships, except where the regulations of any country prescribe a different allowance. These allowances include rations, water, forage, etc., for the voyage and a margin for three months' reserve supplies. The tonnage allowance covers men, animals, and all accessories and is sufficient to provide for vehicles (including guns).

Fighting power is the result of organization, training, and equipment backed by the resources of the country. Available shipping is a matter of commercial statistics.

The quality, organization, and efficiency of these troops, except those of Japan, which demonstrated their excellence in the Russo-Japanese War, are now undergoing a supreme test of military strength on land and sea. In addition, where certain nations have transported troops by sea their capabilities in this respect have to some extent been shown. This test by the ordeal of battle is visibly demonstrating their organization, their fighting power, and the rate at which each is capable of developing and maintaining its military strength.

This evidence, produced under conditions of actual warfare, presents an example of the resultant efficiency of any nation that has developed a sound military policy—the soundest policy being the one which insures a successful termination of the war in the shortest time.

6. Statement of the military problem: From what has been stated we are forced to the conclusion that we must be prepared to resist a combined land and sea operation of formidable strength. Our principal coast cities and important harbors have already been protected by harbor defenses which, by passive method alone, can deny to an enemy the use of these localities as bases for such expeditions.

The enemy being unable to gain a foothold in any of these fortified areas by direct naval attack, will therefore be forced to find some suitable place on the coast from which land operations can be conducted both against the important coast cities and the rich commercial centers in the interior. Long stretches of coast line between the fortified places lie open to the enemy. The only reasonable way in which these localities can be defended is by providing a mobile land force of sufficient strength, so located that it may be thrown in at threatened points at the proper time.

It has just been shown what the strength of these expeditions might be, as well as the time required for any one of them to develop its whole effective force. Hence it can be seen, when we take into consideration the possible two months' delay provided by the Navy, that our system should be able to furnish 500,000 trained and organized mobile troops at the outbreak of the war and to have at least 500,000 more available within 90 days thereafter. Here, however, it must be pointed out that two expeditions alone will provide a force large enough to cope with our 1,000,000 mobile troops, and consequently we must at the outbreak of hostilities provide the system to raise and train, in addition, at least 500,000 troops to replace the losses and wastage in personnel incident to war. To provide this organized land force is the military problem before us for solution.

#### I. THE REGULAR ARMY.

##### GENERAL FUNCTIONS OF THE REGULAR ARMY.

7. In the endeavor to reach a just conclusion as to the strength and organization of a Regular Army, adequate to play its part in our na-

The work of the statesman and of the soldier and sailor are therefore coordinate; where the first leaves off the others take hold.

5. Preparedness of the world powers for over-sea expeditions: Control of the sea having been once gained by our adversary or adversaries, there is nothing to prevent them from dispatching an over-sea expedition against us. In order to form an idea of the mobile force we should have ready to resist it an estimate must first be made of the approximate number of troops that other nations might reasonably be expected to transport and of the time required to land them on our coasts.

The number of thoroughly trained and organized troops an enemy can bring in the first and succeeding expeditions under such an assumption is a function of—

(a) The size of the enemy's army; and

(b) The number, size, and speed of the vessels of the enemy's merchant marine that can be used as transports.

Should our enemy be a nation in arms—that is, one in which all or nearly all of the male inhabitants of suitable physique are given a minimum of two years' training with the colors in time of peace (and this is true of all world powers except ourselves and England), it is evident that the size of the first expedition and succeeding expeditions would be limited only by the number of vessels in the transport fleets. It also follows that as the capacity and number of steamers in the merchant marine of any nation or group of nations increase in the future, the number of trained soldiers which such nation could send in such expedition will also increase, and our trained forces should be correspondingly augmented.

What the conditions were in August, 1914, is shown in the following table, which may be regarded as a reasonable estimate:

tional defense, it must not be forgotten that this defense is a joint problem requiring for its correct solution the united efforts of both Army and Navy, and that the ultimate strength of the greater war army is dependent to a considerable extent upon the part to be played by the fleet. It is therefore assumed in this discussion that the Navy is preparing to place and maintain in the Pacific, when the occasion requires, a force superior to that of any oriental nation, and, in the Atlantic, one second only to that of the greatest European naval power.

The Regular Army is the peace nucleus of the greater war army of the Nation. Its strength and organization should be determined not only by its relation to the larger force, but by its own peace and war functions. It must be prepared at all times to meet sudden and special emergencies which can not be met by the army of citizen soldiers. Its units must be the models for the organization and training of those of the great war army.

Some of the functions of the Regular Army are:

(a) To furnish the entire strength of our garrisons outside of the United States proper both in peace and war.

(b) To garrison our harbor defenses within the United States proper in time of peace.

(c) To furnish detachments of mobile forces in time of peace sufficient for the protection of these harbor defenses and naval bases against naval raids which, under modern conditions, may precede a declaration of war.

(d) To furnish sufficient mobile forces to protect our principal cities by preventing the landing of hostile expeditions for their capture in the intervals between our fortified harbors or near such cities.

(e) To supply a mobile reserve to reinforce our garrisons outside of the United States proper during periods of insurrection and disorder.

(f) To furnish expeditionary forces for minor wars resulting from the occupation of foreign territory where treaty rights or fundamental national policies may have been threatened.

(g) To prepare in advance its existing administrative and supply departments for the equipment, transportation, and supply of the great war army of the Nation.

(h) To assist in the training of organizations of citizen soldiers.

8. Concerning the strength and organization of the Regular Army, the following points are to be considered:

(a) At the outbreak of war the Regular Army at home should be strong enough, with the addition of organized and trained citizen soldiers, to form the first line of defense in order to give sufficient time to permit the mobilization and concentration of our greater war army, and to seize opportunities for such immediate initial operations as may be undertaken before the mobilization of the army of citizen soldiers can be completed.



(b) It should be so organized and located that it can be economically and efficiently trained, quickly and easily mobilized and concentrated, and readily used as a model in the education and training of the citizen forces.

#### MOBILE AND COAST ARTILLERY TROOPS AND THEIR FUNCTIONS.

9. Experience has shown that our regular land forces and others mobilized upon them must consist of two distinct classes, i. e.:

(a) Mobile troops.

(b) Coast Artillery troops.

These two groups have their own special functions for which they are trained and equipped and from which they should not be diverted except in some emergency.

The function of the Coast Artillery is to man our harbor defenses designed to protect important seaports from direct naval attacks and raids from the sea. The armament and accessories of these forts are intended to be so complete and powerful as not only to prevent hostile landings at all places within range of the guns, but also to cover all navigable waters in the vicinity of great seacoast cities so thoroughly as to leave no dead spaces from which enemy ships, either at anchor or during a run-by, could bring them under bombardment. While these harbor forts are important elements in our scheme of defense, they are, nevertheless, powerless to prevent invasion at points outside the range of their guns. The total length of our coast line is enormous, and the stretches covered by harbor defenses are and must remain very small compared with the unprotected intervals that lie between them. If we should lose command of the sea an invader would simply land in one of these intervals. It therefore follows that the ultimate defense of our coasts depends upon defeating a mobile army of invasion, and this can be done only by having mobile forces prepared to operate in any possible theater of war. At this stage of hostilities the problem becomes one of cooperation between Coast Artillery and mobile troops, but there can be no fixed relation in the strength of these two classes of land forces. The necessary strength of Coast Artillery troops depends upon the number and character of harbor defenses established; that of mobile troops upon the nature and extent of the defensive and offensive operations for which the Nation decides to be prepared.

#### RELATION BETWEEN HOME AND OVER-SEA GARRISONS.

10. The most rational method of determining the proper strength and organization of the Regular Army is based upon the fact that this force is and must be divided into two distinct parts—one for over-sea service; the other for home service. Each of these parts must have its proper quota, both of mobile and Coast Artillery troops.

The troops on over-sea service consist of the detachments required to meet the special military problems of the Philippines, Oahu, Panama, Alaska, Guantanamo, and Porto Rico. Each of these detachments has a distinct tactical and strategic mission, and is to operate within a restricted terrain. All of them are limited to over-sea communication with the home country, and all of them may therefore be isolated for considerable periods, especially in the critical first stages of war. It is obvious that under these circumstances these detachments should be prepared to meet all military emergencies until reinforcements from the United States can reasonably be expected. They must, therefore, be maintained at all times at full statutory strength, and must, in addition, be organized with the view to being self-supporting, preferably during the continuance of war, or at least until the Navy has accomplished its primary mission of securing the command of the sea.

The force at home is on an entirely different basis. It may or may not be given an adequate strength in time of peace, but it is supported by all of the resources of the Nation. It may be increased at the pleasure of Congress, and it may be reinforced by considerable forces of citizen soldiery. It follows from these considerations that the Military Establishment of the United States in time of peace should first provide effective and sufficient garrisons for the political and strategic outposts of the United States, and that the residue at home should be organized with the view to ultimate expansion into such war forces as national interests may require.

#### GENERAL REQUIREMENTS OF OVER-SEA SERVICE.

11. The Philippines: A decision to defend the Philippines against a foreign enemy is a matter of national and not of military policy. But in studying the military requirements of such defense it must be remembered that, under conditions of modern warfare, unless our Navy has undisputed control of the sea, we can not reinforce the peace garrison after a declaration of war or while war is imminent.

12. Oahu: The maintenance of the naval base at Pearl Harbor, Oahu, is an essential factor in the military problem of holding the Hawaiian Islands. These islands constitute a vital element in the defense of the Pacific coast and in securing to ourselves the full value of the Panama Canal as a strategic highway between the two oceans.

The problem of holding the Hawaiian Islands can be solved by making Oahu, and therefore Pearl Harbor, secure against all comers. A satisfactory solution requires the joint action of the Army and Navy. Pearl Harbor and Honolulu are already protected from direct naval attack by fortifications, now nearing completion. These, while deemed adequate to meet the conditions existing when they were designed, must now be strengthened to meet the recent increase in power of guns afloat; but no matter how complete these harbor fortifications on the southern coast of Oahu may be, they are unable to prevent attacks either on the remaining hundred miles of coast lying beyond the range of their guns or on the other islands of the group. Consequently there should be in addition a force of modern submarines and destroyers forming part of the permanent naval equipment of Pearl Harbor with sufficient radius of action to keep the Hawaiian waters thoroughly patrolled throughout their whole extent and to make them dangerous for enemy vessels. Should this force be worsted in combat and withdrawn before the arrival of our high-sea fleet, the complete control of the local waters might pass temporarily to the enemy, so that the ultimate security of both Honolulu, the naval base at Pearl Harbor, and, indeed, of the whole group, depends upon including in the Oahu garrison enough mobile troops to defeat any enemy that may land anywhere on the island. It is clear that perfect coordination between the Army and Navy at this station is absolutely essential to success in holding this key to the Pacific. Unless we provide such dual defense of the Hawaiian Islands we can not be sure of retaining control even of that part of the Pacific lying within the sphere of defense of our western coast. By making such provision the high-sea fleet is left free to seek out the enemy fleet in Pacific waters.

13. Panama: The Panama Canal is a very important strategic position which it is our duty to hold. By our control of this highway between the two oceans the effectiveness of our fleet and our general military power is enormously increased. It is therefore obvious that the unquestioned security of the canal is for us a vital military need. The permanent garrison should be strong enough to guard the locks, spillways, and other important works and to prevent a naval attack which, under modern conditions, may even precede a declaration of war. We should, therefore, be able, even in peace, to man the seacoast guns and mine defense that cover the approach to the canal, and we must have enough mobile troops to defeat raids. A modern fleet might land a small raiding party of several thousand bluejackets at any one or more of a number of places, and such a force landing out of range of the seacoast guns could, if unopposed, penetrate to some vulnerable part of the canal within a few hours. The permanent garrison should, therefore, include a mobile force strong enough to anticipate and defeat naval raids at the beginning of hostilities and to protect the canal against more serious land operations liable to be undertaken later. If the enemy is operating on one ocean only, it might be possible to send reinforcements from the United States, but to count on such relief would be running too great chances. By authority of the Republic of Panama, this garrison is given facilities in time of peace to operate beyond the Canal Zone in order that the troops may be properly trained for their special mission and made familiar with the terrain over which they may be called upon to operate in defending the canal.

14. Guantanamo: The policy of the United States contemplates the establishment of a naval base at Guantanamo. Garrison of Coast Artillery and mobile troops are necessary for its defense and should be assigned to station there at the proper time.

15. Alaska: The garrison of Alaska should be large enough to support the authority of the United States and, in time of war, to maintain our sovereignty over a small selected area of the Territory. As work on the Alaskan Railroad progresses, the military needs of Alaska will increase.

16. Porto Rico is to be classified with the Philippines and Guam. Unlike Alaska and Hawaii, these island possessions have not been organized as Territories; nevertheless, they all belong to the United States and must be protected.

#### GENERAL REQUIREMENTS OF HOME SERVICE.

17. General distribution of Coast Artillery troops in fortified areas: It has already been shown where we should have garrisons for over-sea service, and why. It now remains to show how we should distribute our regular troops for service at home. Coast Artillery stations should correspond to the fortified areas on the seacoast, and these are indicated by the position of the harbor defenses, which are at present located as follows:

Portland, Me.; Portsmouth, N. H.; Boston; New Bedford; Narragansett Bay; Long Island Sound; New York; the Delaware; Baltimore; the Potomac; Chesapeake Bay; Cape Fear; Charleston; Savannah; Tampa; Key West; Pensacola; Mobile; New Orleans; Galveston; San Diego; Los Angeles; San Francisco; Puget Sound; and the Columbia.

18. General distribution of mobile troops in strategic areas: As previously explained, the influence of harbor defenses is limited to the areas within the range of their guns. To provide harbor defenses without mobile forces necessary to cover the unprotected intervals that lie between them would be comparable with attempting to make a house burglar proof by barring the doors and leaving the windows open. There is not a case in history where seacoast fortifications, efficiently manned, have been captured by direct attack from the sea. In all cases of capture mobile land forces have been employed for the purpose, and an enemy that hopes for success must undertake landing operations against us. We must therefore decide upon a rational distribution of our mobile forces to meet this contingency.

19. Puget Sound area: Western Washington is bordered on the east by the steep and rugged Cascade Mountains, on the south by the Columbia River, and on the north by Juan de Fuca Strait and Canada. This corner of the United States is completely cut off from the rest of the country by great natural obstacles and presents an extensive front for attack by sea. While the maps show some 20 passes across the Cascade Mountains, communication with the East is almost entirely by three railroads, all crossing at points less than 50 miles apart, and having tunnels or other vulnerable structures. The only practicable wagon road is effectually closed to traffic for between four and five months each year by heavy snows. Communication with the south is by one line of railroad, crossing the Columbia River by bridge at Vancouver. Communication between this section and the east and south is thus largely dependent upon a number of structures readily destroyed by high explosives and impossible of restoration to traffic within a definite time. The two railroads along the Columbia River, at the point where it breaks through the mountains, could be easily wrecked so as to require considerable time to repair, and the gorge could be held by a small force against a large one coming from the east. If an enemy succeeds in entering western Washington and in seizing and destroying the important bridges and tunnels, he would be so securely established as to render it extremely difficult to dislodge him. In this rich region an invader could maintain himself indefinitely. The harbor defenses maintained in this region are reasonably strong. Ordinary precaution demands that a mobile force of reasonable strength be also maintained in this region.

20. California area: There are five transcontinental lines of railway entering California. The Western Pacific and Southern Pacific by the passes through the Sierras northeast of Sacramento; the Atchison, Topeka & Santa Fe and the San Pedro, Los Angeles & Salt Lake via Daguerre Pass northeast of Los Angeles; and the Southern Pacific via the Salton Sea and Gorgonia Pass, southeast of Los Angeles. There are no other passes through the Sierras that have been considered practicable. There is no railroad running south into Lower California. Only one railroad, the Southern Pacific, runs north into Oregon. As in the Puget Sound region, communication with the East is largely dependent upon structures readily destroyed by explosives and impossible of restoration to traffic within a definite time; California and the greater centers of population are separated by wide expanses of sparsely settled country. To transport promptly large bodies of troops into California would be difficult, if not impossible, in face of opposition at the passes. The invader would have a most fertile region at his back, while the reverse would be the situation with us.

The harbor defenses maintained in this region are reasonably strong, but they are of little use unless supported by a reasonably strong mobile force maintained in this region.

To rely for defense during the first stages of a war upon a mobile force shipped in from the East is to invite disaster.

21. Atlantic area: In case of war with a first-class power on the Atlantic, that portion of our country lying between and including Maine and Virginia would undoubtedly be the primary object of an invader. While all other points along the Atlantic and Gulf coasts and all points on our land frontiers would undoubtedly be in danger, the danger would be secondary to that of the North Atlantic States above named. Here, also, the harbor defenses are reasonably strong, and here, also, a mobile force should be kept sufficient in size to hold important points until the citizen soldiery can be mobilized.

While many other regions are important, the three regions described—Puget Sound, California, and the North Atlantic States—contain the critical areas.

22. Middle West area: The center of population of the United States is in the Middle West, and here should be located a mobile force for use in case of need, on either the Pacific or Atlantic coast, the northern or southern border.

#### NECESSARY STRENGTH OF MOBILE TROOPS FOR OVER-SEA SERVICE.

23. Constant study of the problem which confronts each of our over-sea garrisons in connection with the advance made in arms, transportation, tactics, lines of information, methods of communication, undersea craft, and aerial operations has led to the conclusions that the strength of the over-sea garrisons herein given is the minimum below which they should not be allowed to fall at any time.

The general requirements of over-sea service have already been stated for each of the several localities concerned. It now remains to determine the necessary strength to meet these requirements, taking up each case in turn.

24. The Philippines: If in accordance with national policy it is decided to keep the American flag flying in the Philippines in war as in peace, it becomes essential to hold Manila Bay.

25. Oahu: Having in mind the principles governing the relations between home and over-sea garrisons, the force maintained at all times in Oahu should include:

Nine regiments of Infantry (three brigades).  
One regiment of Cavalry.  
Two regiments of Field Artillery.  
Two battalions Engineers; one battalion Signal Corps; one aero squadron; one telegraph company.  
Two ambulance companies.  
Fourteen companies Coast Artillery.  
This force will total about 25,000 combatant officers and men.

26. Panama: The force maintained at all times in the Canal Zone should include:

Nine regiments of Infantry (three brigades).  
One regiment of Cavalry.  
One regiment of Field Artillery (3-inch mountain howitzers).  
Two battalions of Engineers; one battalion Signal Corps; on aero squadron; one telegraph company.  
One ambulance company; one evacuation hospital.  
Twenty-one companies Coast Artillery Corps.  
This force will total about 24,000 combatant officers and men.

27. Guantanamo: The policy of the United States contemplates the establishment of a naval base at Guantanamo. Garrisons of Coast Artillery and mobile troops are necessary for its defense and should be assigned to station there at the proper time.

28. Alaska: The garrison of Alaska should be large enough to support the authority of the United States and, in time of war, to maintain our sovereignty over a small selected area of the Territory. As work on the Alaskan Railroad progresses the military needs of Alaska will increase.

In time of peace it is believed that the Alaskan garrison should be one regiment of Infantry (1,915 officers and men), to be increased later as circumstances may demand.

29. Porto Rico: The present garrison, reorganized into a full regiment of three battalions, etc., is sufficient (1,915 officers and men).

30. The following table gives a summary of the minimum garrison to be maintained on over-sea service:

Table of garrisons for over-sea stations.

Localities.	Regiments of Infantry.	Regiments of Cavalry.	Battalions of Field Artillery.	Battalions of Engineers.	Battalions of Signal Corps.	Aero squadrons.	Companies of Coast Artillery Corps.
Philippines.....	9	3	18	21½	1½	1	26
Oahu.....	9	1	12	2	1½	1	14
Panama.....	9	1	6	2	1½	1	21
Alaska.....	1						
Porto Rico.....	1						
Total.....	29	5	36	5½	4½	3	61

<sup>1</sup>Includes one telegraph company in each garrison.

<sup>2</sup>1 company mounted for Cavalry brigade.

<sup>3</sup>Native.

Combatants—	Officers and men.
Mobile.....	74,500
Coast Artillery Corps.....	7,500
Total.....	82,000

#### NECESSARY STRENGTH OF MOBILE TROOPS FOR HOME SERVICE.

31. Careful studies made at the War College, extending over a period of years, lead to the conclusion that the strength of the Infantry, Cavalry, Field Artillery, Engineers, and Signal troops of the Regular Army maintained at home in time of peace, and the distribution of administrative units of these arms in the principal strategic areas, should be as given in the following table:

#### Combatant troops.

	Infantry regiments.	Cavalry regiments.	Field Artillery regiments.	Engineer battalions.	Battalions, Signal Corps.	Aero squadrons.
Puget Sound area.....	9	3	13½	2½	1½	1
California.....	9	4	3½	2½	1½	1
North Atlantic States.....	9	4	3½	2½	1½	1
Middle West.....	9	3	3½	2½	1½	1
Mexican border.....		6	1			
Total.....	36	20	15	10	7	5

<sup>1</sup> Each Cavalry brigade to have 1 battalion horse artillery; 1 company mounted Engineers; 1 company Signal Corps.

Approximate total, 121,000 officers and men.

These troops should be organized in higher tactical units and distributed in strategic areas substantially as follows:

Puget Sound area: One division (less divisional Cavalry) and one Cavalry Brigade (of three regiments).

California: One division and one Cavalry brigade.

North Atlantic States: One division and one Cavalry brigade.

Middle West: One division (less divisional Cavalry) and one Cavalry brigade.

Mexican border: West of El Paso, one Cavalry brigade; east of El Paso, one Cavalry brigade.

#### NECESSARY STRENGTH OF COAST ARTILLERY TROOPS REQUIRED FOR SERVICE OVERSEAS AND AT HOME.

32. The strength of the Coast Artillery depends upon the number of guns and mine fields installed and projected, and upon the assistance to be received from Organized Militia units. An estimate prepared in the office of the Chief of Coast Artillery gives the following strength in companies required under the supposition that all mine fields and all over-sea guns and one-half the guns at home are manned from the Regular Army

	Companies.
Philippines.....	26
Oahu.....	14
Panama.....	21
United States.....	228
Total.....	289
Total companies (gun and mine).....	289

Officers and men..... 34,413

#### TOTAL STRENGTH OF THE REGULAR TROOPS REQUIRED FOR ALL SERVICES.

33. Combining all previous estimates of Coast Artillery and mobile troops required for service in over-sea garrisons and at home, the following tabular statement of the required strength of the Regular Army in units appropriate to each arm, results, viz:

Localities.	Infantry regiments.	Cavalry regiments.	Field Artillery regiments.	Coast Artillery companies.	Engineer battalions.	Signal Corps battalions.
Philippines <sup>1</sup> .....	9	3	3	26	1½	1
Oahu.....	9	1	2	14	2	1
Canal Zone.....	9	1	1	21	2	1
Alaska.....	1					
Porto Rico.....	1					
Puget Sound area.....	9	3	3½		2½	1½
California.....	9	4	3½		2½	1½
North Atlantic States.....	9	4	3½		2½	1½
Middle West.....	9	3	3½		2½	1½
Mexican border.....		6	1			
United States.....				228		
Total required.....	65	25	21	289	15½	10

<sup>1</sup>Includes aero squadrons.

<sup>2</sup>Nine regiments Infantry, 2 regiments Field Artillery, 2 battalions Engineers. Filipinos to be added, 21,000 officers and men.

<sup>3</sup>This estimate can only be verified by an inspection of all the harbors in question, for which inspection there has not been sufficient time since this estimate was received.

These figures may be summarized as follows:

Overseas:	
Mobile (combatant).....	74,500
Coast Artillery Corps.....	7,500
	82,000
In United States:	
Mobile (combatant).....	121,000
Coast Artillery Corps.....	27,000
	148,000
Total:	
Mobile (combatant).....	195,500
Coast Artillery Corps.....	34,500
	230,000

To this total should be added officers and men for the Sanitary, Quartermaster, Ordnance Department, etc., appropriate to a force of this strength, amounting approximately to 30,000 officers and men. Including Philippine Scouts, 21,000, the grand total becomes 281,000.

34. Organization: The tables of organization, approved and published on February 25, 1914, for the information and government of the Regular Army and Organized Militia of the United States, have been taken as the guide in estimating the numerical strength of the personnel of the various tactical and administrative units men-



tioned in this report. This was done as a matter of convenience and because the service generally is familiar with these tables, which are the latest official publication of the War Department on this subject. They conform to the Field Service Regulations, and are the best that can be devised under the limitation of the present laws governing the Army, but it can not be too emphatically stated that they are for emergency use only and contain certain undesirable and unscientific features, which should be corrected as soon as the necessary legislation can be obtained. For example, the war organization shown in the tables is provisional only, while the peace strength is arranged so as not to exceed the total enlisted strength of about 93,000 men now permitted by existing appropriations.

This limitation falls heaviest upon the Infantry, whose organizations on home service are maintained at only 43 per cent of full statutory strength, while the Cavalry organizations are maintained at 75 per cent and those of Field Artillery at 77 per cent of such strength. It is generally conceded that our Infantry companies should each have the full statutory strength of 150 men in order to permit proper training of the officers in time of peace and supply efficient fighting strength in time of war.

In consequence of the greatly reduced strength of these Infantry organizations, their efficiency is unduly decreased and overhead charges correspondingly increase.

The requirements of modern war demand that a machine-gun unit, a supply unit, and certain mounted men be attached to each regiment, and that units of various strengths be assigned to brigade and division headquarters. None of these units is authorized by law, yet all are essential. Tables of organization, 1914, represent an effort to adapt an archaic statutory organization to modern requirements by organizing the necessary additional units, provisionally. This has been done by detaching from statutory organizations the personnel required. An examination of the tables will show that more than 5 per cent of the Infantry personnel authorized by Congress have been diverted from their legitimate duty as members of statutory organizations and have been assigned to provisional units which, while necessary and essential, have only the sanction of departmental authority and lack the efficiency which can only be given by statute. In the Cavalry more than 9 per cent are similarly diverted.

Recognizing these facts, the War College Division of the General Staff has prepared a plan for organizing on modern lines an army of the strength just shown to be necessary for the national needs. Should this plan be approved, the organization of the Regular Army, the militia, and whatever reserves are formed would proceed along the new lines.

## II. THE ORGANIZED MILITIA.

35. The act of Congress approved April 25, 1914, commonly known as the volunteer law, defines the land forces of the United States as "the Regular Army, the organized land militia while in the service of the United States, and such volunteer forces as Congress may authorize."

The Organized Militia, in addition to its use as a State force, is available for use by the Federal Government, as provided in the Constitution, viz, to execute the laws of the Union, suppress insurrection, and repel invasion.

36. Constitutional functions of the Organized Militia: Its constitutional functions are the following:

(a) A State force to preserve order within the State limits, in order to avoid calling upon the Regular Army or the Organized Militia of other States to discharge such function.

(b) A Federal force when called forth by the President, as prescribed by Congress, for any of the three purposes authorized by the Constitution.

37. Some uses of the Organized Militia as a Federal force: Having been called forth as militia, they may be used as follows:

(a) As Coast Artillery supports and reserves.

(b) To guard and protect certain bridges, canal locks, arsenals, depots of supplies, docks, navy yards, and other vulnerable points in the home territory.

(c) To guard lines of communication within the limits of the United States.

38. Limitations: It is stated later in this report that 12 months, at 150 hours per month, "is considered the minimum length of time of actual training considered necessary to prepare troops for war service." Due to constitutional limitations, Congress has not the power to fix and require such an amount of training for the Organized Militia. No force can be considered a portion of our first line whose control and training is so little subject to Federal authority in peace. No force should be considered a portion of our first line in war unless it be maintained fully organized and equipped in peace at practically war strength. This would exclude the Organized Militia from consideration for service in the first line mainly because of the impossibility of giving it in peace the training required for such function. It may be necessary to continue Federal support of the Organized Militia in order that some organized force may be immediately available for the purposes set forth in paragraphs 3 and 4.

39. Recommendations: In the preparation of plans for the national defense and for the preservation of the honor and dignity of the United States, the number of troops that are deemed necessary are largely in excess of the total regular and militia forces available in the United States.

It is only during the existence of war, or when war is imminent, that any other forces may be raised under existing law. When Congress so authorizes the President, he may call forth volunteers.

Section 3 of the volunteer law provides that under certain conditions organizations of the Organized Militia may be received into the Volunteer Service in advance of any other organizations of the same arm or class from the same State, Territory, or District; and section 4 of the act of May 27, 1908, amending the militia law, provides that the militia shall be called into the service in advance of any volunteer force that may be raised.

It is evident that it can not be known prior to the existence of the imminence of war what organizations, if any, of the Organized Militia will enter the Volunteer Service, and that no definite plans can be prepared providing for the use of such organizations, either as militia or as volunteers, until war is actually upon us.

No legislation affecting the Organized Militia is recommended beyond the repeal of all provisions of laws now in effect whereby militia or militia organizations may or must be received into the Federal service in advance of any other forces.

This recommendation is not to be construed as advocating express repeal of certain sections of existing laws relating to the Organized Militia, but as suggesting that any legislation hereafter proposed for the organization of a Federal reserve force shall contain the usual concluding section repealing all laws and parts of laws inconsistent

therewith, and that such legislation be so framed as to render inconsistent with it the provisions of law just referred to.

## III. RESERVES.

40. Reserves include: (a) Well-instructed soldiers of the Regular Army furloughed to what is herein termed the regular reserve, (b) citizen soldiers, (c) reserve officers.

41. The regular reserve: As the United States should have a mobile force of 500,000 soldiers available at home at the outbreak of war, the Army, with the regular reserve, should amount to this strength. In order to develop the necessary regular reserve with the Army at the strength advocated in this policy, enlistments would have to be for about eight years—two with the colors and six in reserve. That would, in eight years, result in approximately the following mobile forces at home available at the outbreak of war:

(1) Mobile regular troops (combatant) with the colors.....	121,000
(2) The regular reserve.....	379,000
Total.....	500,000

During the first weeks of war in this country the military situation will probably be critical. At that time every fully trained soldier should be put in the field. To do that with the small military establishment herein advocated it is necessary that during peace the Army be kept at war strength, and that the regular reserve be organized and not kept back to replace losses expected during war. Such losses should be replaced from depot units.

42. Citizen soldiers: In addition to the 500,000 fully trained mobile troops mentioned above, at least 500,000 more—a total of 1,000,000 men—should be prepared to take the field immediately on the outbreak of war and should have had sufficient previous military training to enable them to meet a trained enemy within three months. Twelve months' intensive training is the minimum that will prepare troops for war service. Therefore the 500,000 partly trained troops above referred to require nine months' military training before war begins. Military efficiency of reserves requires that Regular Army officers be assigned thereto for training purposes—at least one to every 400 men—and that organizations and specially designated noncommissioned officers of the Army be utilized in instructing reserves, as far as practicable.

Based upon experience with Tables of Organization, 1914, the War College Division has recently prepared a new plan of organization for the Army. The Regular Army and the reserves should be organized according to this plan. Organizations should be formed of men from the districts to which their respective organizations are assigned for recruiting. For this purpose, each organization should be assigned to a district from which recruits most suitable for the service required of the organization may be obtained—mounted units to horse-raising districts, technical troops to manufacturing districts, etc. As a rule, the size of districts should be about in proportion to population of the qualifications—age, etc.—required. Organizations in war should be kept at full strength from the depot units which they should have in their respective recruiting districts.

43. Reserve officers: Officers for staff and organizations of reserves, and officers for temporary appointment in the Regular Army, as provided for in section 8 of the volunteer law (act of Congress approved Apr. 25, 1914), should be selected and trained in time of peace. The President should be authorized to issue, by and with the advice and consent of the Senate, commissions as reserve officers to citizens of the United States who upon examination prescribed by the Secretary of War, demonstrate their physical, mental, moral, and professional fitness therefor, and who duly obligate themselves to render military service to the United States while their commissions are valid. Such commissions should be valid five years, and renewable under such regulations regarding examinations and qualifications as the Secretary of War may from time to time prescribe.

## IV. VOLUNTEERS.

44. In addition to any forces that may be maintained and trained in time of peace, provision must be made for vastly increasing such forces in time of war. These must come from the untrained body of citizens, and provision for raising them is contained in the act of Congress approved April 25, 1914.

45. This act meets the military needs for raising volunteer troops, as far as concerns the enlisted personnel, except in two particulars, which are: First, that under the existing laws certain organizations of the militia, with numbers far below the full strength, can enter the volunteer force in advance of other similar volunteer organizations from the same State; and, second, no volunteers of any arm or branch can be raised until all the militia of that particular arm or branch have been called into the service of the United States. The changes necessary to remedy these defects have been set forth in paragraph 39 under the subject of the Organized Militia.

## V. RESERVE MATERIAL.

46. Of all the features disclosed by the war in Europe none stands more clearly revealed than the power to be derived from national economic organization behind the armed forces of a nation.

47. In a war of gigantic proportions the chances of success are immeasurably lessened by wastage, abuse, and confusion. Steps should be taken looking toward a national organization of our economic and industrial resources as well as our resources in fighting men.

48. In its report the commission appointed by the President to investigate the conduct of the War Department in the War with Spain used the following language:

"One of the lessons taught by the war is that the country should hereafter be in a better state of preparation for war. Testimony has been taken on this subject and suggestions have been made that large supplies of all the material not liable to deterioration should be kept on hand, to be continuously issued and renewed, so that in any emergency they might be available. Especially should this be the case with such supplies, equipment, and ordnance stores as are not in general use in the United States and which can not be rapidly obtained in open market."

49. The lack of such articles as shoes, wagons, harness, rifles, saddles, medical chests, and so on, will render ineffective an army just as certainly as will the lack of ammunition.

50. For the purposes of storage military supplies may be divided into four classes:

(a) Supplies that can be obtained in great quantities in the open market at any time.

(b) Those that can be obtained in sufficient quantities on 15 days' notice.

(c) Those that can be obtained on three months' notice.

(d) Those that can not be obtained within three months.

51. The War College division of the General Staff is of the opinion that for purposes of defense we should maintain the troops enumerated in Parts I and II of this report.

52. A fully trained force, to be effective during the critical period when war is imminent and during the first few weeks of a war, must not be hampered by lack of necessary supplies and equipment. For this reason, supplies of all kinds which can not be obtained in the open market at any time must be kept on hand, in use and in store, at home and overseas, sufficient to equip without delay all troops whose training warrants sending them promptly into the field.

53. It is probable that as soon as war becomes imminent the continental army—500,000 mobile troops—will also be called out. As this partially trained force can not be expected to take the field within three months' time, it is practicable to refrain, after the third year, from keeping on hand or in store for it any articles of equipment except those necessary to complete its training and those which can not be procured within three months.

54. The total number of harbor-defense troops necessary is about 50,000. Due to conditions of service, it is believed that ultimately supplies of all kinds for 60,000 should be kept on hand.

55. In any great war volunteers must be called out in addition to the troops above enumerated.

56. It would be unwise to have on hand at the beginning of a war merely the supplies sufficient to place in the field our first contingent of troops and to complete the training of the continental army, and to be unprepared to supply to even a limited extent the volunteer army we should have to raise, not to mention replacements of arms, ammunition, clothing, and equipment of all kinds for those already in the field; but on account of the great sum of money which will be necessary in entering upon a program for collecting and storing military supplies it is believed that the subject of equipment for a volunteer army and replacements for the Regular and continental armies should be provided for by obtaining options with domestic manufacturers to furnish the required supplies, all of domestic manufacture, in accordance with tentative contracts to be made by the supply departments with such manufacturers in time of peace. By so doing we will be taking the initial steps toward organizing the industrial and economic resources of the country as well as its resources in fighting men.

57. Referring to Part II, approximately the following troops will be available at the close of the successive years:

	Fully trained mobile troops.	Partially trained continental army.	Harbor-defense troops.	Total.
First year.....	160,000	185,000	30,000	375,000
Second year.....	219,000	351,000	40,000	610,000
Third year.....	320,000	500,000	50,000	870,000
Fourth year.....	383,000	500,000	52,000	935,000
Fifth year.....	439,000	500,000	54,000	993,000
Sixth year.....	489,000	500,000	56,000	1,045,000
Seventh year.....	534,000	500,000	58,000	1,092,000
Eighth year.....	574,000	500,000	60,000	1,134,000

A study of these figures and of the difficulties we have experienced in the past in the matter of supplies lead to the conclusion that the program adopted for procuring reserve supplies should be such that at the close of each year we should have in use and in store, at home and overseas, supplies of all kinds necessary to equip:

	Infantry divisions.	Cavalry divisions of 9 regiments.	Harbor-defense troops.
First year.....	13	3	30,000
Second year.....	22	5	40,000
Third year.....	32	6	50,000
Fourth year.....	34	7	52,000
Fifth year.....	36	8	54,000
Sixth year.....	37	9	56,000
Seventh year.....	38	10	58,000
Eighth year.....	40	10	60,000

The supplies acquired during the first three years should include all articles which can not be obtained in sufficient quantities on 15 days' notice, those acquired during the last five years to include only those articles which can not be obtained on three months' notice. After the eighth year the program should be extended to provide for the storing of such additional machine guns, rifles, field guns, ammunition, etc., as may be considered advisable.

58. In order that vast supplies pertaining to one supply bureau should not be secured and relatively nothing be done by other supply bureaus, supplies should be obtained progressively in complete division units.

59. In order that the efforts of the various supply bureaus may be properly coordinated by the Chief of Staff, reserve supplies should be collected in general supply depots located in accordance with the general principle below enumerated. Each general supply depot should be considered a place of issue in time of peace for all articles of field equipment, so that the stock on hand will be continually turned over and the machinery for the issuing and forwarding of supplies will be in operation at the outbreak of war. The commander of each general supply depot should be either a line or a staff officer specially selected by and reporting direct to the Chief of Staff and independent of the control of any one particular staff department but keeping in touch with all. The commander of each general supply depot should be assisted by the necessary commissioned, enlisted, and civilian personnel. Supplies for not more than three division units should be stored at any one locality. Each place selected for a reserve storehouse should be one that will be at all times under adequate military protection, where ground is available and where abundant railroad facilities exist.

60. As a general military principle, no supply depot, arsenal, nor manufacturing plant of any considerable size, supported by War Department appropriations for military purposes, should be established or maintained east of the Appalachian Mountains, west of the

Cascade or Sierra Nevada Mountains, nor within 200 miles of our Canadian or Mexican borders, and steps should be taken gradually to cause to be moved depots and manufacturing plants already established in violation of this military principle.

61. The estimated cost of the field equipment of one Infantry division, Tables of Organization 1914, is as follows:

	Can be obtained in the open market in great quantities at any time.	Can be obtained on 15 days' notice.	Can be obtained on 3 months' notice.	Can not be obtained on 3 months' notice.
Signal supplies.....	\$722.12	\$1,688.51	\$6,030.46	\$385,310.26
Quartermaster supplies.....	51,983.35	54,054.45	3,177,083.47	
Engineer supplies.....				
Ordnance supplies.....	5,779.67	7,730.96	257,489.89	4,164,770.68
Medical supplies.....	10,997.95	10,189.63	88,861.51	

And the estimated cost of one Cavalry division of nine regiments is approximately as follows:

	Can be obtained in the open market in great quantities at any time.	Can be obtained on 15 days' notice.	Can be obtained on 3 months' notice.	Can not be obtained on 3 months' notice.
Signal supplies.....	\$370.80	\$1,638.53	\$4,290.61	\$277,156.43
Quartermaster supplies.....	55,102.48	76,143.40	4,584,628.93	
Engineer supplies.....				
Ordnance supplies.....	31,832.02	18,630.56	311,056.68	3,541,004.68
Medical supplies.....	13,454.99	13,060.57	108,630.36	

62. While the amount of money involved is large, practically all of it will remain at home, especially if every effort be made by the supply bureaus to eliminate from supply tables all articles not of domestic manufacture. It must also be kept in mind that it is cheaper to buy war supplies in time of peace than in time of war.

[Memorandum for the Chief of Staff.]

WAR DEPARTMENT,  
OFFICE OF THE CHIEF OF STAFF,  
Washington, September 11, 1915.

Subject: Estimate of cost of the military establishment recommended by the War College Division, September 11, 1915.

1. The following estimate of cost is submitted pursuant to instructions of the Chief of Staff dated September 7, 1915:

2. The figures for the cost of the Regular Army are based upon the actual appropriations therefor during five consecutive years. (See W. C. D. 9053-81.) Where appropriations made during those five years have been in part employed in building up a reserve of supplies, the figures have been placed, in the following estimates, under the heading "Reserve matériel." The initial cost will, of course, be greater than that of any succeeding year, for in the first year have been included a complete equipment of new machine guns, field guns, etc. After the first year the expense will be for upkeep only. As for shelter, the figures submitted are based upon the expense of upkeep of all present occupied barracks and quarters plus the expense of putting in cantonment all new regular units to be organized.

3. The estimated cost should not convey the idea of actual expenditure, for it must be kept in mind that military supplies, whose value is approximately \$43,000,000, are at present in store and available for use.

4. The estimated cost for the Organized Militia is the same as that indicated in W. C. D. 9053-75, August 21, 1915.

5. The estimated cost of the continental army has been obtained by adding 25 per cent to the estimated cost of 400,000 men, submitted in W. C. D. 9053-75, August 21, 1915.

6. The estimated costs of reserve matériel given in paragraph 61, Statement of a Proper Military Policy, have been submitted by the chiefs of the bureaus of the War Department concerned.

7. Estimated cost:

Regular Army:	
First year.....	\$258,960,000
Per year thereafter.....	249,973,000
Organized Militia, per year.....	7,000,000
Continental army:	
First year.....	87,500,000
Second year.....	70,000,000
Third year.....	85,000,000
Per year thereafter.....	62,500,000

M. M. MACOMB,  
Brigadier General, Chief of War College Division.

Mr. CHAMBERLAIN. Mr. President, there has been a great deal of discussion about serious differences between the Secretary of War and the Committees on Military Affairs of the House and Senate. There were, of course, some differences, but I think none of them are so serious but that they may be adjusted in conference.

I want to say, in reference to the Senate bill, Mr. President, that I have been working at it for several months, with consultations now and then with different officers of the Army in whose judgment I had confidence. When the bill was finally framed by me as a basis for the preparation of a proper bill, it was not introduced into the Senate, but it was printed and submitted to the Committee on Military Affairs for discussion; so that the bill, as it comes out of the committee now, has been prepared by the Military Committee, and there has been



at no time, I desire to say to the Senate, any political question, any policy of party, or any other subject discussed except this bill. My Republican friends have never at any time undertaken to inject any political or partisan discussions into the deliberations of the committee or to interfere with the preparation of a bill that would have for its purpose the very best interests of the whole country. So it has been with my Democratic friends on the committee in the preparation of the bill before the committee.

After it was prepared, the committee sent the bill to the War Department for submission to the War College and the General Staff, and we have had the reports of those organizations on the bill, with estimates and everything I think the Senate will want to be advised about. We have had hearings that went into the whole question without stint, as far as it was possible for us to go. In the consideration of the bill, in order that the Senate may know that this committee was trying to do its whole duty to the Senate and to the country, I will state that we had before us the so-called Garrison plan; we had the Hay bill; we had before us every measure which had been prepared or had emanated from any authoritative source; and this bill of ours has embodied in it what we concluded was the best of all of them, and I believe I am safe in saying that it has the pretty general approval of the experts in the Army and in the country. While we do not give the Army what it asks, we have undertaken to reorganize it so as to have it along the lines of a consistent organization.

In our further efforts to get the bill before the Senate in proper shape we had the Secretary of War detail to us two very competent and distinguished officers of the Army, to whom we are greatly indebted for the assistance they have given us. Gen. William H. Carter, a retired Army officer, who has probably commanded larger bodies of troops in this country than any other officer in the Army, has assisted us, and Maj. William D. Connor, an officer of the Engineer Corps, was with us, and has remained with us all the time, not to formulate a bill but in an advisory capacity, to discuss with the committee all the technical questions which have arisen, and they have been faithful in their efforts to assist in reaching a proper conclusion. So much for the genesis of the bill and the efforts the committee has made to try to get before the Senate a proper measure.

The bill deals with five subjects, and it is in that connection that I desire to have the Senate bear in mind the report from which I read a while ago. They are, first, the regular force—that is, the Regular Army; second, officers of the reserve corps; third, reserve officers' training corps; fourth, the volunteer force; and, fifth, the National Guard. That covers all of the possible sources from which to organize an army, whether it be a regular army or a volunteer force or the National Guard.

Now, for the increases. I want to show the Senate the increases which the present bill makes over the existing Regular Army organization. It increases the Regular Army by the addition of 34½ regiments of Infantry, 10 regiments of Cavalry, 15 regiments of Field Artillery, 5 regiments of Engineers, 93 companies of Coast Artillery, 2 battalions of Mounted Engineers, and 7 aero squadrons. The total increase of the enlisted personnel of the Army over and above the present organization is 74,789 men. That is exclusive of the Hospital Corps and the Quartermaster Corps, because under the law as it is now these two branches of the service are not considered or counted as a part of the enlisted strength. They have never been counted as such; in other words, they are not a combatant force and their duties are not in the line of the Army.

Mr. STONE. But they are a very important branch of the service.

Mr. CHAMBERLAIN. They are a very important branch, and the Army could not get along without them, I will say to the Senator. The authorized strength in enlisted men, including the Philippine Scouts, at the present time is 89,324; the Quartermaster Corps, 6,000; the Hospital Corps, 4,012; and unassigned recruits, 4,000; making a total present actual strength of the line, including the Philippine Scouts, the Quartermaster Corps, and the Hospital Corps, 102,660 men. That is what the Army consists of to-day.

Mr. OVERMAN. Is that the authorized, or is that the actual strength?

Mr. CHAMBERLAIN. That is the actual strength. Of course there are included in those 102,660 men, as I have just stated, and not to be considered as a part of the enlisted strength, 4,900 in the Quartermaster Corps, 4,436 in the Hospital Corps, and 4,000 unassigned recruits. The unassigned recruits are those that have been enlisted in the service but have not yet reached their destination. The Philippine Scouts are also included in the total I have given.

Mr. President, the present bill, if enacted into law, will give—

Mr. SIMMONS. How many Philippine Scouts are there?

Mr. CHAMBERLAIN. I will give the Senator the exact number—5,733.

Mr. STONE. That is a sort of local force.

Mr. CHAMBERLAIN. The scouts are used over in the Philippines, but they are a part of the Army.

Mr. TILLMAN. May they be brought over here?

Mr. CHAMBERLAIN. I presume so; but they are made part of the Army for the purpose of service in the Philippines.

Mr. President, the pending bill would give us, if enacted into law, an enlisted strength, including the Philippine Scouts, of 174,789 men. If we add to that the Quartermaster Corps, the Hospital Corps, and the unassigned recruits, it would give us 194,586 men.

Now, I wish to call the attention of the Senate to this difference between the House and Senate bills: The House bill appears to give only a strength of 140,000 men; but there are to be added to that the men I have added to make the strength under the Senate bill 194,586—the Hospital Corps and the Quartermaster Corps, whatever that number might be—so that the enlisted strength provided in the House bill would be run up in excess of 140,000 if these branches of the service be counted as part of the strength of the Army.

In order to have the matter in form for the purpose of comparison under the present bill, the actual increase in the present force would be as follows: Enlisted men, including the Philippine Scouts, 74,789; Quartermaster Corps, 409; Hospital Corps, 3,278; unassigned recruits, 2,098; making a total increase of 80,574.

Mr. WORKS. Mr. President, in making these calculations does the Senator include the 20,000 that were added to the force lately?

Mr. CHAMBERLAIN. No; I have not, because that is a matter of such recent occurrence that we have not gotten reports as to the number of men enlisted.

Mr. SMITH of Georgia. That 20,000 is part of this 80,000, is it not?

Mr. CHAMBERLAIN. No, sir; I am not figuring on that in any estimates I shall give.

Mr. SMITH of Georgia. The Senator means this 80,000 would be in addition to that 20,000?

Mr. CHAMBERLAIN. Of course, if this Army bill passes, that would be absorbed in the general organization.

Mr. SMITH of Georgia. That was what I asked. That 20,000 is a part of this 80,000?

Mr. CHAMBERLAIN. It would be.

Mr. SMITH of Georgia. It is only 60,000 in addition to that 20,000?

Mr. CHAMBERLAIN. They would be absorbed under this bill and become a part of the organization as established.

The commissioned strength of the Army as at present constituted is 5,045. The proposed increase is 5,681, practically double and a little more than double the present commissioned strength, making a total of 10,726; and therein, as I shall attempt to show a little while later, is one of the defects in the present system—the lack of officers for the proper training of the men.

The proposed organizations, if the bill is enacted, will consist of seven Infantry divisions, two Cavalry divisions, one Porto Rico regiment, the Philippine Scouts, one regiment in Alaska, and various smaller detachments of troops.

Now, I am going to call attention to a few of the defects in the present system.

One of the Senators asked me to have the present law, the Senate bill, and the House bill printed in parallel columns. The two latter might be printed in parallel columns for the purpose of comparison, Mr. President; but the military organization of this country is the result of legislation covering a period of more than 130 years. It has been embodied in independent statutes occasionally, but most generally added in the form of riders to appropriation bills; so that it would be almost impossible to parallel the Military Code, which consists of about 680 pages, with these two bills so as to make it intelligible to anybody. We have not attempted to do it, and I do not know that it would be possible to do it.

Mr. STONE. But the Senate and House bills could be paralleled?

Mr. CHAMBERLAIN. We could parallel these two bills; yes. The first defect in the Army, Mr. President, is recognized, and yet there is a very great difference of opinion as to what ought to be done in the premises. I refer to the number of enlisted men or the size of the Army. The resolution which was passed here some days ago providing for raising 20,000 volun-

teers is one indication of the lack of enlisted men to perform the service necessary to be performed in this country even at the present time. Not only is the Army too small, but the distribution of the men amongst the various arms of the service does not follow any well-defined military plan. The Infantry or Cavalry division is the militant unit for field service, and an army that is not composed of complete divisions is not a force prepared to fight for the best advantage of the numbers composing it. The number of organizations in the bill before the Senate now has been determined upon so as to provide sufficient garrisons in our overseas territories and to form from the remainder complete divisions within the United States. This existing defect is best illustrated by our so-called Cavalry division, in which there exists a full number of Cavalry regiments and one regiment of Horse Artillery, but for which none of the auxiliary troops are at present provided, such as mounted engineers, mounted signal troops, and the necessary sanitary troops and aerial squadrons.

One thing in this connection that is frequently overlooked is the fact that it is absolutely essential that our foreign garrisons be kept and maintained at the war strength; because if anything should happen to our Navy—which I hope may never be—not one of them is so situated that troops could be transferred to it. So it ought to be the policy of the country, if it intends to hold these colonial possessions, to have the garrisons maintained all the time at war strength; and that has been impossible of accomplishment under the present system.

Another defect in the organization is that certain of the organizations are maintained at war strength when others are maintained at a strength entirely too small to provide for the necessary instruction of officers or of men. Take an instance in the present organization of the maximum strength of an Infantry company being 150 men and the minimum strength being 65 men: Taking away from the 65 men the number necessary for duties that they are now compelled to do—the machine-gun work, the quartermaster's and supply work, and other local details, and absences from sickness and other unavoidable causes—reduces the company in many cases to from 40 to 50 men, and sometimes even lower. Whether it be true or not I do not know, but I have heard it stated by men who claim to know that at Vera Cruz some of the companies were so depleted that the commanding officers there did not take them out on dress parade, in order not to let the people see how few men there were in the companies. So that with a minimum strength of 65 men the companies are so depleted under the present system that there are not enough men even to train the officers in their work or to have the men properly trained.

Under the present bill we keep the maximum strength of the company at 150 men, as the present organization is, but we place the minimum strength at 100 men, so that, counting the ordinary absences from sickness and other unavoidable causes, it might reduce the men to 90; but we have made provision for the constitution of headquarters companies and supply companies and machine-gun companies independent of the regular organization, so that men are not detailed from the companies, as now, to perform this work, but they are separate organizations. No modern army is attempted to be equipped in any other way than that the regiments shall have their supply companies to do the work which the Commissary Department now does and to do the work of the machine-gun and headquarters companies which enlisted men now perform, reducing and depleting the active fighting force of the Army. That is one of the essential and material changes made by the Senate bill over the present organization, in thus constituting a regimental headquarters, a machine-gun company, and a supply company, so that in future, if this bill is enacted, these men will not have to be detailed from the other active services of the Army to do work which requires trained men.

Another defect in the system, it has seemed to the committee, is the term of enlistment.

Mr. LODGE. Mr. President, would it trouble the Senator if I asked him a question?

Mr. CHAMBERLAIN. Not at all.

Mr. LODGE. What does that make the regimental strength? I mean, including these additional companies, the machine-gun companies and the headquarters companies, which are now filled from the line.

Mr. CHAMBERLAIN. I will give it to the Senator. It would give a total minimum strength of 1,336 and a maximum strength of 1,964, with all these included.

The terms of enlistment were thought by the committee to have been too strict. The House recognized that proposition, too, because a change was made in the bill covering enlistment. It has been suggested—though I have my doubts about its

correctness—that desertions have been caused largely by reason of the fact that long-term enlistments induced men to desert to get back into civil occupations. But, Mr. President, there is absolutely no accounting for desertions. Under all conditions, under all circumstances, no matter what they have been, there have been desertions, varying in large numbers or in small numbers in such a way as to make impossible of ascertainment the reasons therefor, and the War Department has been unable to reach a satisfactory conclusion on it. But however that may be, under existing law the enlistment term binds the man to serve for four years with the colors, with the proviso that he may be passed to the reserve at the end of three years. Now, note the modification of the law: Under the proposed law the terms of enlistment have been ameliorated so that an enlisted man, if serving within the limits of the United States, can, if he so desires, go to the reserve at any time after the expiration of two years. That is at his discretion. If particularly apt and intelligent, he may be furloughed to the reserve after the expiration of one year. So that no man hereafter can claim that he has been compelled to desert because of the long term of enlistment, either with the colors or in the reserve, because if he is active and if he is diligent and if he is bright and desires to prove the mettle that is in him he can get out of his own volition at the end of one year.

Mr. GORE. The full term is left four years, however?

Mr. CHAMBERLAIN. Yes.

Mr. BRANDEGEE. Mr. President, I should like to understand the Senator as he goes along, if I can, and if it will not disturb him I should like to ask him a question.

Mr. CHAMBERLAIN. It will not disturb me at all.

Mr. BRANDEGEE. The Senator says that as a result of one of the defects in the present system, which authorizes a company to be 150 men, some of the companies at Vera Cruz only had 65 men. What was the defect in the system that resulted in the companies being so depleted?

Mr. CHAMBERLAIN. The principal defect was in detailing men from the company—that is, holding it at a minimum of 65 men and then detailing men from it to handle machine guns, and so forth, and perform other detail duties that are proposed to be performed under a separate organization.

Mr. BRANDEGEE. I understand how any company could be depleted if these men were taken away from the company and were assigned to other duties that are not strictly military; but what was there about the system that prevented the company being kept full if the people in charge of the Army wanted to keep it full?

Mr. CHAMBERLAIN. The President was only authorized to have 100,000 men, and if you filled all of these companies up to a strength where the detail of men to other duties would not seriously injure the companies you would have an Army very much in excess of the authorized strength.

Mr. BRANDEGEE. The defect, then, was simply that there were too many companies for the total number of troops authorized?

Mr. CHAMBERLAIN. It might be put in that way.

Mr. NORRIS. Mr. President, will the Senator yield?

Mr. CHAMBERLAIN. Yes, sir.

Mr. NORRIS. At the end of two years, the Senator says, under the plan the committee proposes, the private soldier, the enlisted man, passes into the reserve.

Mr. CHAMBERLAIN. If he desires.

Mr. NORRIS. I wish the Senator would explain, unless he is expecting to do so at some other time—it seemed to me it would be appropriate to do it here, however—just what is the relation of the soldier when he becomes a member of the reserve.

Mr. CHAMBERLAIN. The bill specifies that particularly. I will just read that part of the bill to the Senator, so that he will see. The bill itself provides exactly what his status will be when he goes out:

On and after the 1st day of July, 1916, all enlistments in the Regular Army shall be for a term of seven years, the first four years to be in the active service with a branch of which those enlisted form a part and, except as otherwise provided herein, the last three years in the Regular Army reserve hereinafter provided for.

They go into the reserve anyhow after the term of enlistment expires, whether they serve three years, or whether they serve two years, or whether they serve one year, and the reserve system is provided for in this bill.

Mr. NORRIS. What is the status of the soldier when he goes to the reserve? Does he still draw pay? Is he subject to call at any time?

Mr. CHAMBERLAIN. That is another provision of the bill to which I wish to call attention. A good deal of fun has been made of the fact that only 16 men were a short while ago within the reserve that was attempted to be created under a former act



of Congress. That was true then, but the fact was lost sight of that the bill creating this reserve, under the law as it then stood, had not taken effect. It took effect, I think, some time in November. I am not sure about the date, but there are a good many more now. But the difficulty in the matter of the creation of a reserve is the difficulty in keeping up with the men after they go into the reserve.

A man goes out of the Army at San Francisco, for instance. He works his way on the farms and in the factories and in other ways to New York. He finally becomes a resident of the State of New Jersey. It has been impossible to keep up with him. Now, in order to undertake to make the reservist feel that he is really a part of the Government and to keep in touch with him we have provided here—that is one of the new features of the bill—that hereafter the reservist shall receive \$24 per annum as a reservist, payable semiannually.

Mr. NORRIS. The reservist is subject to call at any time, is he?

Mr. CHAMBERLAIN. Until his term of enlistment expires.

Mr. NORRIS. Yes; until his term of enlistment expires.

Mr. SMITH of Georgia. Not at any time.

Mr. CHAMBERLAIN. Only in time of war, of course.

Mr. SMITH of Georgia. Or threatened war.

Mr. NORRIS. Now, let me ask the Senator another question. When the active list is depleted by soldiers going into the reserve, is that list then replenished by additional enlistments?

Mr. CHAMBERLAIN. Oh, yes; recruiting is going on all the time.

Mr. NORRIS. The figures which the Senator has given with regard to the strength of the Army do not include the reserve?

Mr. CHAMBERLAIN. Oh, no, sir. There is very serious difference of opinion as to our ability to recruit the Army even up to the maximum of 250,000 provided by this bill or to a minimum of 178,000. I believe The Adjutant General claims that it is not possible to keep a total strength of more than 150,000 troops as a minimum.

Mr. BRANDEGEE subsequently said: Will the Senator from Oregon permit me, before the Secretary proceeds to read the bill, to have inserted in the RECORD the act referred to in section 56, which is the section of the bill authorizing the President to organize and maintain a volunteer force?

Mr. CHAMBERLAIN. I think it would be well to have it inserted.

Mr. BRANDEGEE. I think it would be well to have it in the RECORD so that we can see it. Therefore I ask that it be inserted in that portion of the Senator's remarks where he was discussing the provisions of section 56 of the bill.

The PRESIDING OFFICER (Mr. HOLLIS in the chair). Without objection, it is so ordered.

The act referred to is as follows:

[Public, No. 90, 63d Cong.—(H. R. 7138).]

An act to provide for raising the volunteer forces of the United States in time of actual or threatened war.

*Be it enacted, etc.,* That the land forces of the United States shall consist of the Regular Army, the organized land militia while in the service of the United States, and such volunteer forces as Congress may authorize.

SEC. 2. That the volunteer forces shall be raised, organized, and maintained, as in this act provided, only during the existence of war, or while war is imminent, and only after Congress shall have authorized the President to raise such a force: *Provided*, That the term of enlistment in the volunteer forces shall be the same as that for the Regular Army, exclusive of reserve periods, and all officers and enlisted men composing such volunteer forces shall be mustered out of the service of the United States as soon as practicable after the President shall have issued a proclamation announcing the termination of the war or the passing of the imminence thereof.

SEC. 3. That when volunteer forces are to be raised the President shall issue his proclamation, stating the number of men desired for each arm, corps, and department, within such limits as may be fixed by law, and he shall prescribe such rules and regulations, not inconsistent with the terms of this act, as may be necessary for the purpose of examining, organizing, and receiving into the service the men called for: *Provided*, That the power to organize volunteer forces shall include the power to provide, within such limits as are or may be prescribed by law, the officers and enlisted men of all grades and classes, and the trained nurses, male and female, that may be necessary in the various arms, corps, and departments: *Provided further*, That when three-fourths of the prescribed minimum enlisted strength of any company, troop, or battery, or when three-fourths of the prescribed minimum enlisted strength of each company, troop, or battery comprised in any battalion or regiment of the organized land militia of any State, Territory, or the District of Columbia, organized as prescribed by law and War Department regulations, shall volunteer and be accepted for service in the Volunteer Army as such company, troop, battery, battalion, or regiment, such organization may be received into the volunteer forces in advance of other organizations of the same arm or class from the same State, Territory, or District, and the officers in the organized land militia service with such organization may then, within the limits prescribed by law, be appointed by the President, by and with the advice and consent of the Senate, as officers of corresponding grades in the Volunteer Army and be assigned to the same grades in the said organization or elsewhere as the President may direct: *Provided further*, That all enlisted men received into the service in the volunteer forces shall, as far as practicable, be taken

from the several States and Territories and the District of Columbia in proportion to the respective populations thereof: *Provided further*, That when the raising of a volunteer force shall have been authorized by Congress, and after the organized land militia of any arm or class shall have been called into the military service of the United States, volunteers of that particular arm or class may be raised and accepted into said service in accordance with the terms of this act regardless of the extent to which other arms or classes of said militia shall have been called into said service.

SEC. 4. That the volunteer forces shall be subject to the laws, orders, and regulations governing the Regular Army in so far as such laws, orders, and regulations are applicable to officers or enlisted men whose permanent retention in the military service, either on the active list or on the retired list, is not contemplated by existing law; and no distinction shall be made between the Regular Army, the Organized Militia while in the military service of the United States, and the volunteer forces in respect to promotion or to the conferring upon officers or enlisted men of brevet rank, medals of honor, certificates of merit, or other rewards for distinguished service, nor in respect to the eligibility of any officer of said Army, militia, or volunteer forces for service upon any court-martial, court of inquiry, or military commission: *Provided*, That the organization of all units of the line and of the signal troops of the volunteer forces shall be the same as that prescribed by law and regulations for the corresponding units of the Regular Army: *Provided further*, That when military conditions so require, the President may organize the land forces of the United States into brigades and divisions and such higher units as he may deem necessary, and the composition of units higher than the regiment shall be as he may prescribe: *Provided further*, That to each regiment of Infantry, Cavalry, and Artillery, and to each battalion of Engineers and Signal Corps troops organized under this act there shall be attached the same personnel of the Medical Department as are attached to like organizations of the Regular Army: *Provided further*, That the organization of the coast defenses, of machine-gun detachments, establishments of the Medical Department, remount depots, military trains, secret-service agencies, military prisons, lines of communication, including their supply depots, and of other adjuncts that may be necessary in the prosecution of war, and the organization of which is not otherwise provided for by law, shall be as the President may from time to time direct.

SEC. 5. That except as otherwise provided herein the President is authorized, by and with the advice and consent of the Senate, to appoint all volunteer officers required by this act, but the number and grade of such officers shall not exceed the number and grade of like officers provided for a like force of the Regular Army: *Provided*, That all appointments below the grade of brigadier general in the line of the volunteer forces shall be by commission in an arm of the service and not by commission in any particular regiment; and officers in each arm of the service shall be assigned to organizations of that arm, and transferred from one organization to another in that arm, as the interests of the service may require, by orders from the Secretary of War: *Provided further*, That no officer above the grade of colonel shall be appointed under the provisions of this act.

SEC. 6. That to provide the staff officers that will be necessary in the various staff corps and departments in time of war or while war is imminent, and that are not otherwise provided for in this act, the President is authorized to appoint, by and with the advice and consent of the Senate, such number of volunteer staff officers of grades authorized by law for the Regular Army as he may find necessary for such corps and departments: *Provided*, That the total number of such staff officers so appointed, including all such officers of the Organized Militia called into the military service of the United States, shall not exceed the ratio of 1 officer to 200 enlisted men for all militia and volunteer forces called into the military service of the United States: *Provided further*, That the number of volunteer staff officers appointed in any grade in the various staff corps and departments shall not exceed in any staff corps or department the proportionate strength of regular officers of the corresponding grade as established by law for the corresponding staff corps or department of the Regular Army: *Provided further*, That the President may appoint, by and with the advice and consent of the Senate, volunteer chaplains at the rate of one for each regiment of Volunteer Infantry, Cavalry, and Field Artillery, and one for every 12 companies of Volunteer Coast Artillery raised, with rank corresponding to that established by law for chaplains in the Regular Army.

SEC. 7. That in appointing the volunteer officers authorized by this act the President may select them from the Regular Army, from those duly qualified and registered pursuant to section 23 of the act of Congress approved January 21, 1903, from the country at large, from the organized land militia of the District of Columbia, and, upon the recommendation of the various governors, from the organized land militia of the several States and Territories in proportion, as far as practicable, to their respective populations, and as far as compatible with the interests of the military service, from the localities from which the troops with which the officers appointed upon said recommendation are to serve shall have been recruited: *Provided*, That in appointments from the country at large preference shall be given those who shall have had honorable service in the Regular Army, the National Guard, or the volunteer forces, or who shall have been graduated from educational institutions in which military instruction is compulsory: *Provided further*, That at the same time not to exceed one Regular Army officer shall hold a volunteer commission in any one battalion of volunteer engineers or signal troops, or in any one battalion of Volunteer Field Artillery; and not to exceed four Regular Army officers shall at the same time hold commissions in any one regiment of Volunteer Cavalry, Field Artillery, or Infantry, or in any 12 companies of Coast Artillery, including their field and staff: *And provided further*, That Regular Army officers appointed as officers of Volunteers under this act shall not thereby vacate their Regular Army commissions nor shall they be prejudiced in their relative or lineal standing therein by reason of their service under their volunteer commissions.

SEC. 8. That the temporary vacancies created in any grade not above that of colonel among the commissioned personnel of any arm, staff corps, or department of the Regular Army, through appointments of officers thereof to higher volunteer rank, shall be filled by temporary promotions, according to seniority in rank of officers holding commissions in the next lower grade in said arm, staff corps, or department; and all temporary vacancies created in any grade by temporary promotions shall in like manner be filled from, and thus create temporary vacancies in, the next lower grade; and the vacancies that remain thereafter in said arm, staff corps, or department,



that can not be filled by temporary promotions, as prescribed in this section, may be filled by the temporary appointment of officers of such number and grade or grades as shall maintain said arm, corps, or department at the full commissioned strength authorized by law: *Provided*, That in the staff corps and departments subject to the provisions of sections 26 and 27 of the act of Congress approved February 2, 1901, and acts amendatory thereof, temporary vacancies that can not be filled by temporary promotions, as hereinbefore prescribed, shall be filled by temporary details made in the manner prescribed in said sections 26 and 27 and acts amendatory thereof, and the resulting temporary vacancies in the branches of the Army from which the details are so made shall be filled as hereinbefore in this section prescribed: *Provided*, That officers temporarily promoted or appointed under the terms of this section shall be so promoted or appointed by the President, by and with the advice and consent of the Senate, for terms that shall not extend beyond the termination of the war or, if war shall not occur, beyond the passing of the imminence thereof, as defined by the President's proclamation, and upon the expiration of said terms said officers shall be discharged from the positions held by them under their temporary promotions or appointments: *Provided further*, That officers temporarily promoted under the provisions of this section shall not vacate their permanent commissions, nor shall they be prejudiced in their lineal or relative standing in the Regular Army under permanent commissions, by reason of their services under temporary commissions authorized by this section.

SEC. 9. That all returns and muster rolls of organizations of the volunteer forces and of militia organizations while in the service of the United States shall be rendered to The Adjutant General of the Army, and upon the muster out of such organizations the records pertaining to them shall be transferred to and filed in The Adjutant General's Office. And regimental and all other medical officers serving with volunteer troops, or with militia organizations in the service of the United States, in the field or elsewhere, shall keep a daily record of all soldiers reported sick or wounded, as shown by the morning calls or reports, and shall deposit such reports, with other reports provided for in this section, in The Adjutant General's Office, as provided for herein for other reports, returns, and muster rolls.

SEC. 10. That in time of war or while war is imminent all organizations of the land forces in the military service of the United States shall be recruited and maintained as near their prescribed strength as practicable. For this purpose the necessary rendezvous and depots shall be established by the Secretary of War for the enlistment and training of all recruits, and in order that officers may be available for recruiting duty the President is authorized, by and with the advice and consent of the Senate, to appoint officers of Volunteers of the proper arm of the service, additional to those elsewhere herein authorized, in number not to exceed at the rate of 1 major, 4 captains, 5 first lieutenants, and 5 second lieutenants for each organized regiment of Cavalry, Field Artillery, or Infantry, each 3 battalions of Engineers, or each 12 companies of Coast Artillery; that for purposes of instruction and discipline the troops at recruit depots herein authorized may be organized into companies and battalions, at the discretion of the Secretary of War, with noncommissioned officers and privates of such grades and numbers as may be prescribed by the President. The recruit rendezvous and recruit depots herein prescribed shall be under the direct control of the Secretary of War, and shall render their reports and returns to The Adjutant General of the Army: *Provided*, That to maintain the organized land militia organizations in the military service of the United States at their maximum strength the recruiting rendezvous and depots in any State or Territory may, at the request of the governor thereof, enlist and train recruits for the organized land militia organizations in the service of the United States from said State or Territory.

SEC. 11. That in the organization of a recruiting system, after Congress shall have authorized the raising of volunteer forces, the President is authorized to employ retired officers, noncommissioned officers, and privates of the Regular Army, either with their rank on the retired list or, in the case of enlisted men, with increased noncommissioned rank; or he may, by and with the advice and consent of the Senate, appoint and employ retired officers below the grade of colonel, with increased volunteer commissioned rank not to exceed in the case of any officer one grade above that held by him upon the retired list, or retired enlisted men with volunteer commissioned rank not above the grade of first lieutenant: *Provided*, That retired officers and enlisted men while thus employed shall not be eligible for transfer to the field units, but shall receive the full pay and allowances of the respective grades in which they are serving, whether volunteer or regular, in lieu of their retired pay and allowances: *Provided further*, That upon the termination of the duty or, in case of those given volunteer rank, upon muster out as volunteers said retired officers and enlisted men shall revert to their retired status.

SEC. 12. That, except as otherwise specifically prescribed by law, all officers provided for in this act shall be subject to such assignments of duty and such transfers as the President may direct: *Provided*, That medical officers of Volunteers when detailed as consulting surgeons shall not exercise command over the hospitals to which they may be assigned for duty, except that by virtue of their commissions they may command all enlisted men: *Provided further*, That medical inspectors shall be detailed for duty with each army, field army, or army corps and division, and for the base and lines of communications, and that no officer shall be detailed for duty as a medical inspector except he be experienced in military sanitation.

SEC. 13. That all officers and enlisted men of the volunteer forces shall be in all respects on the same footing as to pay, allowances, and pensions as officers and enlisted men of corresponding grades in the Regular Army.

SEC. 14. That all laws and parts of laws in conflict with the provisions of this act be, and the same are hereby, repealed.

Approved, April 25, 1914.

Mr. HUGHES. Will the Senator permit me to ask him a question at this point?

Mr. CHAMBERLAIN. Certainly.

Mr. HUGHES. I have been called from the Chamber once or twice, and the Senator may have already dealt with these matters. I have not heard him, however. In framing this plan, was any change made in the rate of pay of the enlisted man?

Mr. CHAMBERLAIN. No, sir.

Mr. HUGHES. What is the rate of pay now?

Mr. CHAMBERLAIN. Fifteen dollars a month on the first enlistment, and upon reenlistment it is increased so that the maximum he attains is \$25 a month.

Mr. HUGHES. Has the committee given any consideration to the question as to whether or not the low pay of the soldier is in any way responsible for the disinclination to enlist in the Army, or to remain in the Army after enlistment?

Mr. CHAMBERLAIN. I will say that the committee did not go into that subject, except in a very small way. There were a number of changes made, but not so far as the enlisted personnel is concerned.

Mr. HUGHES. I should like to ask the Senator another question, which I think is akin to that. What authority fixes the character or quantity of the rations supplied to the enlisted men of the Army?

Mr. CHAMBERLAIN. The regulations of the War Department.

Mr. HUGHES. Who draws the regulations, and who finally decides on the matter?

Mr. CHAMBERLAIN. Everything is approved by the Secretary of War.

Mr. HUGHES. And this legislation does not attempt to deal with that at all?

Mr. CHAMBERLAIN. It does not attempt to change the present system with regard to that.

Mr. HUGHES. I do not know just what the enlisted man's ration consists of, but not very long ago it was sadly insufficient, in my opinion; and I have always believed that the character and quantity of the rations received by the enlisted men had a great deal to do with whatever dissatisfaction there was in the service. For instance, in my time there was no butter ration allowed to the enlisted man, no sugar, no milk. In other words, the enlisted man in the United States Army could not, under the regulations, be as well fed as the average mechanic's son in the average workingman's home in the United States of America. It always seemed to me that that was a matter of sufficient importance to engage the attention of the appropriate committees of the House and Senate. I do not think this very important matter should be left in the hands of any irresponsible authority. It seems to me it is of sufficient importance to engage the attention of the committee and of this body.

Mr. CHAMBERLAIN. I will say that there has never been a suggestion of complaint by enlisted men or anybody else, so far as that is concerned, as to rations furnished these men; and my experience from personal contact with the situation is that they fare a good deal better than many of us do in our own home. I do not know but that there may be exceptional cases.

Mr. HUGHES. I assure the Senator if he is under that impression it is a very erroneous impression, because the Senator lives much better than it is possible for enlisted men to live. It is true that in barracks, by selling supplies and running a sort of denatured canteen, which is now permitted, the men directly contribute enough money to get fairly decent food under certain conditions. But I can go to my own experience. At one time I was served out a travel ration which consisted of hard biscuit and canned corned beef which nobody could eat. I do not know of anyone who has the hardihood to eat it more than once, on a hot day in the South in the summer time—the squash mess of canned corned feed which was poured out of the can and placed upon hard-tack. One of the traditions of the United States Army, which every other civilized nation has departed from, is that soldiers can not fight unless they have hard-tack. I think it was originally instituted as a sort of armor plate. In 1898 that was a part of the regular rations, and I believe that condition exists to-day.

Mr. CHAMBERLAIN. I do not think the Senator ought to appeal to conditions which existed in 1898, which were concededly bad, so bad that I believe a later distinguished President of the United States got up a round robin that was applicable not only to the men but to the officers. But that is what we are trying to remedy now. It is to be in a position where we will not be unready for whatever may come, just as we were unready when a few days ago we set out in pursuit of a bandit down on the southern boundary line, and it took four or five or six days to get started. That is not the fault of the Army; it is the fault of Congress in failing to do its duty by the Army or the country, and it is that condition we are trying to correct here now.

I do not hear any complaint about the supplies furnished the troops or to officers of the Army. I have not heard of any desertions on that account.



Mr. SMITH of Georgia. Could not the Senator furnish to the Senate during the consideration of the bill from the War Department a statement of the kind of food which is furnished to the private soldier so that we may see just what it is?

Mr. CHAMBERLAIN. I can do that; but it seems to me that the proper place for that would be in the supply bill when it comes up and not to undertake to incorporate that in a bill which has for its purpose the organization of the Army. I will undertake to furnish that information to the Senate.

Mr. CHAMBERLAIN subsequently submitted the following for insertion in the RECORD:

[Bulletin No. 21.]

WAR DEPARTMENT,  
Washington, May 28, 1914.

I. The following Executive order is published to the Army for the information and guidance of all concerned:

#### EXECUTIVE ORDER.

In accordance with the provisions of section 40 of the act entitled "An act to increase the efficiency of the permanent Military Establishment of the United States," approved February 2, 1901, which authorizes the President to "prescribe the kinds and quantities of the component articles of the Army ration, and to direct the issue of substitutive equivalent articles in place of any such components whenever, in his opinion, economy and a due regard to the health and comfort of the troops may so require," the Executive order of January 11, 1911, as amended by Executive orders of January 21, 1913, and July 15, 1913, prescribing the Army ration is revoked, and the following is promulgated for the information and guidance of all concerned, to take effect June 1, 1914.

The kinds and quantities of the component articles of the Army ration and the substitutive equivalent articles which may be issued in place of such components shall be as follows:

#### 1. GARRISON RATION.

Component articles and quantities.	Substitutive articles and quantities.
Beef, fresh.....oz.. 20	Mutton, fresh.....oz.. 20
	Bacon.....oz.. 12
	Canned meat, when impracticable to furnish fresh meat.....oz.. 16
	Hash, corned beef, when impracticable to furnish fresh meat.....oz.. 16
	Fish, dried.....oz.. 14
	Fish, pickled.....oz.. 18
	Fish, canned.....oz.. 16
	Turkey, dressed, drawn, on Thanksgiving Day and Christmas, when practicable.....oz.. 16
	Soft bread.....oz.. 18
Flour.....oz.. 18	Hard bread, to be ordered issued only when the interests of the Government so require.....oz.. 16
Baking powder.....oz.. .08	Corn meal.....oz.. 20
Beans.....oz.. 2.4	Rice.....oz.. 1.6
	Hominy.....oz.. 1.6
	Potatoes, canned.....oz.. 15
	Onions, in lieu of an equal quantity of potatoes, but not exceeding 20 per cent of total issue.....oz.. 15
Potatoes <sup>2</sup> .....oz.. 20	Tomatoes, canned, in lieu of an equal quantity of potatoes, but not exceeding 20 per cent of total issue.....oz.. 15
	Other fresh vegetables (not canned) when they can be obtained in the vicinity or transported in a wholesome condition from a distance, in lieu of an equal quantity of potatoes, but not exceeding 30 per cent of total issue.....oz.. 15
Prunes.....oz.. 1.28	Apples, dried or evaporated.....oz.. 1.28
	Peaches, dried or evaporated.....oz.. 1.28
	Jam, in lieu of an equal quantity of prunes, but not exceeding 50 per cent of total issue.....oz.. 1.28
Coffee, roasted and ground.....oz.. 1.12	Coffee, roasted, not ground.....oz.. 1.12
Sugar.....oz.. 3.2	Coffee, green.....oz.. 1.4
Milk, evaporated, unsweetened.....oz.. .5	Tea, black or green.....oz.. .32
Vinegar.....gill.. .16	
Salt.....oz.. .64	Pickles, cucumber, in lieu of an equal quantity of vinegar, but not exceeding 50 per cent of total issue.....oz.. .16
Pepper, black.....oz.. .04	
Cinnamon.....oz.. .014	Cloves.....oz.. .014
	Ginger.....oz.. .014
	Nutmeg.....oz.. .014
Lard.....oz.. .64	Lard substitute.....oz.. .64
Butter.....oz.. .5	Oleomargarine.....oz.. .5
Sirup.....gill.. .32	
Flavoring extract, lemon.....oz.. .014	Flavoring extract, vanilla.....oz.. .014

<sup>1</sup> In Alaska, 16 ounces of bacon, or, when desired, 16 ounces salt pork or 22 ounces salt beef.

<sup>2</sup> In Alaska the allowance of fresh vegetables will be 24 ounces instead of 20 ounces, or canned potatoes, 18 ounces instead of 15 ounces.

NOTE.—Food for troops traveling on U. S. Army transports will be prepared from the articles of subsistence stores which compose the ration for troops in garrison, varied by the substitution of other articles of authorized subsistence stores, the total daily cost per man of the food consumed not to exceed 20 per cent more than the current cost of the garrison ration, except on Thanksgiving Day and Christmas, when 60 per cent increase over the same current cost is authorized.

#### 2. TRAVEL RATION (FOR TROOPS TRAVELING OTHERWISE THAN BY MARCHING, AND SEPARATED FROM COOKING FACILITIES).

Component articles and quantities.	Substitutive articles and quantities.
Soft bread.....oz.. 18	Hard bread.....oz.. 16
Beef, corned.....oz.. 12	Hash, corned beef.....oz.. 12
Beans, baked.....oz.. 4	
Tomatoes, canned, oz.....oz.. 8	
Jam.....oz.. 1.4	
Coffee, roasted and ground.....oz.. 1.12	
Sugar.....oz.. 2.4	
Milk, evaporated, unsweetened.....oz.. .5	

#### 3. RESERVE RATION.

Component articles and quantities.	Substitutive articles and quantities.
Bacon.....oz.. 12	
or canned meat, oz.....oz.. 16	
Hard bread.....oz.. 16	
Coffee, roasted and ground.....oz.. 1.12	
Sugar.....oz.. 2.4	
Salt.....oz.. .16	

#### 4. FIELD RATION.

The field ration is the ration prescribed in orders by the commander of the field forces. It consists of the reserve ration in whole or in part, supplemented by articles of food requisitioned or purchased locally or shipped from the rear, provided such supplements or substitutes correspond generally with the component articles or substitutive equivalents of the garrison ration.

#### 5. EMERGENCY RATION.

An emergency ration, prepared under the direction of the War Department, will be issued, in addition to the regular ration, as required for troops on active campaign or in the field for purposes of instruction, and will not be opened except by order of an officer or in extremity. Company and detachment commanders are responsible for the proper care and use of emergency rations carried on the person of the soldier.

#### 6. SAVINGS.

All articles of the garrison and travel ration due a company, or other organization, will be retained by the quartermaster and credit given to the organization for the money value of these articles at the current price of the articles; and the quartermaster will pay as savings to the organization commanders any excess in value of the stores so retained over those purchased by the organization. Such savings shall be used solely for the purchase of articles of food.

In time of peace the ration-savings privilege, with the exception hereinafter noted, will be suspended for troops on the march. The ration to be issued to troops on the march in time of peace will be prescribed by the commander and will not exceed the allowances prescribed for the garrison ration. When so ordered by such commander, the savings privilege on certain specified articles of the ration will be allowed.

Upon arrival of troops at mobilization or concentration camps the ration-savings privilege will be suspended and entirely replaced by issue of rations in kind. This same restriction holds during the period of field operations.

THE WHITE HOUSE, May 13, 1914.  
[2163024 C—A. G. O.]

WOODROW WILSON.

II. General Orders, No. 15, War Department, 1911; paragraph 2, Bulletin No. 5; and Bulletin No. 28, War Department, 1913, relative to executive orders pertaining to the Army ration, are rescinded.

[2163024 C—A. G. O.]

By order of the Secretary of War.

W. W. WOTHERSPOON,  
Major General, Chief of Staff.

Official:

GEO. ANDREWS,  
The Adjutant General.

Mr. CHAMBERLAIN. Mr. President, another defect in the present system—and I think everybody realizes it—is the absence of officers from their organizations. The law authorizes the detachment of 200 officers for work with the agricultural colleges where military training is had and with the National Guard of the several States, and yet 600 are detached for that service and there are still demands made upon the department for a detail of these officers for duty in connection with the schools of the country.

This bill, Mr. President, corrects that. It will authorize the detail of more men from the Army for the purpose of instructing the young men in the schools of the country. So in this bill we undertake to provide for the present lack of officers on the theory that no organization can be properly trained that is not amply provided with experienced officers, and the Senate bill provides a sufficient number of extra officers for the many details to the National Guard, colleges, and so forth, contemplated by existing law, thus leaving the necessary complement of officers with the company and battalion units.

I have heard some distinguished gentlemen insist that all this legislation was for the benefit of Army officers and not for the

men; that we have too many officers now, and we ought not to increase the number. Yet I venture to say the records of the War Department will show that some of these same gentlemen have frequently been appealing to the Secretary of War to have Army officers detailed for service at the schools of their States or with the National Guard of their States. The bill undertakes to cure that defect by increasing the number of extra officers.

Mr. NORRIS. Mr. President, will it interfere any with the Senator's remarks if as he goes along and gives a detail of the committee bill he would also give us an idea as to what the bill passed by the House provided on that same subject?

Mr. CHAMBERLAIN. I would not hesitate to do that, but it would consume an immense amount of time. I have, with the assistance of the gentlemen who have been assisting me, taken the House bill as a basis for legislation in the Senate as though it were the bill that was pending here, and I have left in it in roman letters the provisions of the House bill which were in exact accord with the Senate bill or varied very little from it, and added the Senate provision as an amendment in italics. But to undertake to discuss each of these changes now would take a good deal of time, and I think it would be better, if the Senator will pardon me, to take that up when the provisions of the bill are reached.

Mr. NORRIS. Very well, if the Senator prefers that course. I think we ought to have a comparison between the two bills, because that is eventually what we will be called to vote upon.

Mr. CHAMBERLAIN. I would a little rather not do that until we reach the provisions of the bill.

Mr. NORRIS. I will not ask the Senator to do it now.

Mr. CHAMBERLAIN. I will say to the Senator every bit of it will come up again when we reach the discussion of the bill in the Senate.

Mr. OVERMAN. I should like to ask a question for information right here. Has the Senator any information as to how many men there are in this country who, in the last 15 years, have been honorably discharged from the Army who were enlisted men and who, if we had war to-day, could be called upon?

Mr. CHAMBERLAIN. I do not think there is any possible way under the sun to reach a conclusion as to the number.

Mr. OVERMAN. Is there not some way by which we could learn how many men, in the last 15 years, were honorably discharged from the Army?

Mr. CHAMBERLAIN. The report of The Adjutant General shows that about 15,000 men go out each year.

Mr. OVERMAN. So that in 10 years there would be 150,000?

Mr. CHAMBERLAIN. Yes.

Mr. OVERMAN. Those men would be competent as to age if they volunteered for service. What is the limit of age at which they are taken in the Army?

Mr. DU PONT. Not all of them would be competent. Some were discharged on account of disabilities.

Mr. OVERMAN. If there were at least 150,000 men in the last 10 years who have been honorably discharged from the Army and who were capable of doing service, can we not ascertain exactly what number would be available?

Mr. CHAMBERLAIN. I think the history of the country shows that they do not rally to the colors very rapidly when they are needed. They did not in the Spanish-American War, and I do not think in any previous wars. As a matter of fact, I think the military history of the country will show that men leave the colors as soon as their enlistment expires, even if it is on the eve of battle, and that they do not come back at all.

Mr. BRANDEGEE. I will ask the Senator if any attempt is made by the department to keep track of the whereabouts of men who have been discharged?

Mr. CHAMBERLAIN. No; I do not know of any provision of law under which the Government could keep in touch with those men. As I stated awhile ago, we have undertaken by the pending bill to make men feel after serving this period of enlistment they will still be a part of the Army, and we undertake to pay each \$24 a year. It is not much, but I believe that it will be enough to induce every man who went into the service to keep in touch with the Government.

Mr. SUTHERLAND. May I ask the Senator, while he is on that question, do I understand that the bill which the Senator reports makes no provision by which a soldier may, without his own consent, be retired and go on the reserve list?

Mr. CHAMBERLAIN. I do not understand the Senator's question.

Mr. SUTHERLAND. As I understand it, at the end of two years the soldier has his option to remain in the Army.

Mr. CHAMBERLAIN. Or go on the reserve.

Mr. SUTHERLAND. He may go on the reserve list. At the end of his period of enlistment he may reenlist. There is no limit on the number of times he may reenlist.

Mr. CHAMBERLAIN. Yes; you mean to reenlist in the Regular Army?

Mr. SUTHERLAND. Yes.

Mr. DU PONT. After four years he goes to the reserve.

Mr. CHAMBERLAIN. He can reenlist in the Army.

Mr. SUTHERLAND. As many times as he pleases within the age limit.

Mr. CHAMBERLAIN. Yes, sir.

Mr. SUTHERLAND. So there is no provision by which he may be retired and go upon the reserve list so long as he chooses to remain in the Regular Army.

Mr. CHAMBERLAIN. No, sir. The acceptance of his enlistment depends on the authorities. They can decline to let him reenlist if there is any disqualification in the man, either morally or physically or mentally.

Mr. SUTHERLAND. That would probably disqualify him from becoming a member of the reserve.

Mr. CHAMBERLAIN. Yes, sir. Mr. President, I have discussed the principal changes that have been made in the organization, and I want to discuss very briefly the principal changes in the Infantry and Cavalry and the Field Artillery. This bill provides for a headquarters company, a supply company, and a machine-gun company to each regiment of Infantry and Cavalry, and a headquarters company and a supply company to each regiment of Field Artillery. I am going to call the attention of the Senate to the purpose of that change so that Senators may see it affects the strength of the company organization, because these men who did this duty formerly either came out of the Quartermaster's Corps or out of the company enrollment of enlisted men.

The object of the headquarters company is to furnish an organization in which will be collected, under the command of the adjutant, all the personnel necessary to perform the regimental duties of administration, and is made to include the band, the regimental orderlies, headquarters clerks, and so forth. It will have charge of the records and of the preparation of all reports and returns required of the regiment. So in the very nature of things these details under the present system reduce the combatant force.

For purposes of administration and for properly caring for the pay and supply of the regiment and of all papers, funds, and property pertaining thereto, it is proposed to combine all the regimental personnel charged with these functions into a supply company, under the command of the quartermaster. It will include the drivers of vehicles, the clerks and noncommissioned personnel necessary for paying and supplying the regiment. It seemed to be the general opinion that the personnel of this company should belong to the regiments and not to any staff corps, and therefore the former plan has been adopted.

The machine-gun company, it goes without saying, ought to be one of the best trained arms of the service. Yet under the organization as it exists now the men who man the machine guns are taken from the enlisted personnel, thus depleting the fighting strength of the company.

Mr. NORRIS. Under the bill proposed by the committee will not the ordinary private soldier be drilled in the use and handling of machine guns?

Mr. CHAMBERLAIN. Oh, yes; but if you take 10, 15, or 20 or more men of the Infantry force to man machine guns, you have depleted your fighting strength in that branch of the service; and they are dependent on each other.

Mr. NORRIS. I thought, the way the Senator expressed it, the bill provided for specially trained men, and that the ordinary enlisted man would not therefore get any practice in the use of machine guns.

Mr. CHAMBERLAIN. Oh, they will get practice in all these branches, but it is just like the coast defense service. It is an expert service. A man might learn something about handling a gun in the coast defense if he is in the Infantry somewhere, but the man who in the last analysis must do the work is the man who has been there all the time and knows every part and piece of machinery necessary to manipulate the guns.

Mr. LODGE. Is it not true, I will ask the Senator, that machine-gun companies or corps are in the modern army in Europe to-day separate from infantry and cavalry?

Mr. CHAMBERLAIN. They are. It is a fact.

Mr. LODGE. It is a separate organization?

Mr. CHAMBERLAIN. It is. We have made it to conform with the modern fighting machine. The instruction of the personnel charged with this weapon is so essentially different from that of the other companies of the regiment that such companies should be permanent and self-contained, as are the other companies of the regiment. The proposed company will be armed with six machine guns, with one extra gun in case of breakage.



Mr. THOMPSON. How many companies are to be provided with the machine guns?

Mr. CHAMBERLAIN. One for each regiment.

Mr. President, I think I have in a general way covered the changes that have been made as affecting the Regular Army. There is no essential change in the Cavalry, except an addition in the organization proper of this regular branch of the service.

I have called attention particularly to the changes that have been made in the personnel.

Another feature of this bill, Mr. President, is the provision that is put in it for the military training in our colleges and universities. The Senator from Ohio [Mr. POMERENE] introduced a bill here, known as the Pomerene bill, which was carefully prepared by him with the assistance of gentlemen who were connected with these schools and who have in recent times advocated the training of the young men in the schools and universities.

That bill impressed the committee as one of the most progressive steps toward the proper military training of the young men of the country, and we engrafted it, almost without change, in this bill. Some of the gentlemen who had assisted in its preparation appeared before the committee, and I personally, aside from that, had a number of discussions with them. There is nothing compulsory about it.

My personal view, Mr. President, if I may digress, is that the best way to train the young men of the country is to teach them that with the rights of citizenship go the duties of service to the country and the adoption of some sort of compulsory military training. There is not any reason in the world why every young man in this country should not be taught to understand that he owes a duty to his country in time of need.

Mr. POMERENE. If I may make a suggestion, has it not been demonstrated during the present European war that one of the weaknesses of the system prevailing, for instance, in Great Britain is that they did not have sufficient officers with whom to train their soldiers?

Mr. CHAMBERLAIN. There is no doubt about it.

Mr. POMERENE. It was partly to meet that defect that the bill to which the Senator refers was prepared.

Mr. CHAMBERLAIN. I believe from the investigations I have made that in the five years after a system of compulsory training—and by that I do not mean compulsory service—was engrafted upon the statutes of our country you could absolutely do away with the largest part of the standing army and retain only what was necessary for a police force. However, that is aside from this bill, and I do not care to get into a discussion of it.

Mr. BORAH. The Senator speaks of compulsory training. Does the Senator think that would be a practicable proposition as a matter of legislation?

Mr. CHAMBERLAIN. I have not any doubt of it. I introduced a bill modeled after the Australian system and engrafted into it a part of the Swiss system, and it is now pending before the Committee on Military Affairs. I realize the great prejudice that exists against it. I do not know why. It does not involve military service, except in so far as training may be, and it comes at a time in a young man's life when it assists him in his physical as well as in his mental development, and does not differ essentially from the requirements that are usual in the gymnasias of the best schools of the country.

Mr. BRANDEGEE. Mr. President, the Senator from Oregon says that the country is not ripe for universal military training. The country will never be ripe for it unless it is educated, unless people are educated to the benefits that might be derived from it, will it? What does the Senator think would ripen the country to a conception of the necessity of it?

Mr. CHAMBERLAIN. Two years' military training in the schools of the country.

Mr. BRANDEGEE. What does the Senator think is necessary in order to bring public opinion to a realization of that conception?

Mr. CHAMBERLAIN. I may have misjudged the sentiment of the country; I hope I have; but there has always been more or less of prejudice against it, and friends of mine on this side of the Chamber who oppose it—I do not know that they oppose it in public speech—forget that Jefferson advocated it, that Washington advocated it, and that many of the great Democrats as well as great Republicans of this country have advocated some sort of compulsory military training.

Mr. BRANDEGEE. The Senator from Oregon has no doubt that the country would ripen up quickly enough if it was necessary for the defense of the country, has he?

Mr. CHAMBERLAIN. There is no doubt about that.

Mr. President, this military training in schools for the purpose of creating and training officers for the reserve corps is an innovation which I think ought to appeal very strongly to the Senate. It trains officers who go into the officers' reserve corps and their services can be called into requisition in case of emergency.

There is another proposition that is in this bill, Mr. President, that goes a long way to train the civilian for the duties that his country may demand at his hands, and that is as to railroad men, telegraphers, hospital attendants, wireless operators, aviators, chauffeurs, powder experts, technical men in civil life of every kind. There is a provision in the bill that enables them to come into the reserve corps if they want to. They do not have to do so; it is not compulsory; but a very distinguished engineer of New York—Mr. Parsons—came before the committee and showed that there were hundreds of splendidly equipped young engineers in this country who would be glad to go into the reserve corps, just as there are thousands of young doctors and dentists who would be glad to go into the reserve and to serve their country whenever they may happen to be needed.

I venture to say that under this provision of the bill, if it is enacted by Congress, these young engineers and others all over the country will enter the reserve corps, and when they are needed they will take the place of and assist the engineers in the Engineer Corps of the Army. They are brilliant young men, and many of them have been educated at the military schools of the country.

Mr. President, there is a provision in the bill for an increase in the Aviation Service and also in the Field Artillery. Both of those services are inadequate under the law as it now stands. I am not criticizing the personnel of the Aviation Service any more than I have been criticizing the personnel of the enlisted men or the commissioned men of the Army, but the Aviation Service is notoriously weak. That is not the fault of the personnel particularly, but it is the fault of a Government that is unwilling to appropriate the money to give these men the necessary equipment to properly serve their country. Take the aeroplanes south of us on the border, Mr. President, and I think out of four or five which undertook to cross the desert in pursuit of Villa two went down to earth.

Mr. BORAH. And the machine guns did not work, I understand.

Mr. CHAMBERLAIN. The machine guns would not work, I am informed. It is not the fault of the Army that that condition exists. There is not a better esprit de corps among any body of men than that which exists in the Army and Navy of the United States.

Mr. LODGE. I will ask the Senator from Oregon, is it not true that the aeroplanes which we have in Mexico carry only one man?

Mr. CHAMBERLAIN. I think it is true.

Mr. LODGE. And every aeroplane of the thousands which are being used in Europe carries a pilot and an observer?

Mr. CHAMBERLAIN. And in some instances they also carry tons of explosives.

Mr. LODGE. Yes; and they are armored.

Mr. CHAMBERLAIN. Yes. A Senator asks me sotto voce, Who is responsible if it is not the Aviation Corps? I say Congress is responsible. I tried to get the Secretary of War a year ago to submit a plan for the reorganization of the Army so that Congress might assume a responsibility and act upon a responsibility which the Constitution devolves upon it, and I now venture to say that, in the discussion of this bill and in the discussion of appropriation bills when they come up here, you will find Senators—distinguished Senators on this floor—protesting against burdening the people of this country with taxation for the support of the Army, and claiming that it is against the spirit of our institutions. The pacifist is here in the land, vociferous in his demands that no money shall be spent for the organization or the maintenance of an army, although the very life of our country may be at stake.

It is said that we shall never have any more wars. God grant that that may be true; no man would dislike to see war more than would I. Although I was a very young man, I can very distinctly remember the raiding parties of first one army, and then another going across my father's plantation in the Southland and taking whatever was in sight as the legitimate prey of war. Nobody wants war any less than I do; but no man can tell what may happen to this country within 24 hours.

Who could have predicted the blowing up of the *Maine* and the taking unto ourselves of Cuba and the Philippines, and becoming at one step a world power, Mr. President? I am perfectly willing to leave the settlement of the Mexican question to our distinguished President, who knows the situation and

who, I know, wants to do what is best to do for the country; but no man can tell where that trouble is going to lead us.

Mr. SMITH of Georgia. We certainly need some good aeroplanes down there.

Mr. CHAMBERLAIN. We certainly need some aeroplanes and evidently we need some troops.

I for one will never consent, so long as I am at the head of the Military Affairs Committee, that the young men of our country shall, without some preparation, be enlisted and enrolled and sent to certain death in the event of an invasion or an attack by any first-class military power.

Washington said—and we ought to give him credit for knowing what he was talking about—that if he were compelled to state what the facts were about an untrained soldiery, whether they were a benefit or a disadvantage, he would have to say truthfully that they were a disadvantage rather than a benefit to their country.

So you will find, Mr. President, I will say, in answer to the Senator's question, that when we come to discuss the Army appropriation bill some of our good friends here—and I have no criticism of them—will be insisting that we ought not appropriate this money, and that it is a burden upon the American people.

If I may be permitted to digress just for a moment from the subject in hand, I will say that not only have we become a world power, Mr. President, by reason of stretching our wings across the Pacific, over the Philippines, the Sandwich Islands, the Panama Canal, and Porto Rico, and exercising a care over other countries adjoining us, but the United States seems more strongly disposed now than ever to assert the Monroe doctrine and to make it become more than a mere paper doctrine. Where does that lead us? I hope it may not involve us in trouble; but if we do undertake to assert it, we must be prepared to do so by something more than by mere word of mouth. That requires more men and a reorganized Army and Navy.

Mr. GALLINGER. Mr. President, the Senator has called our attention to the declaration of Washington as to the practical uselessness of an untrained army. I think we had an object lesson in that at the first Battle of Bull Run, which I very well remember, and we have had an object lesson in unpreparedness from the fact that six days elapsed after the murderous raid of Villa and his bandits at Columbus before our troops crossed the frontier.

Mr. CHAMBERLAIN. There is no doubt about the Senator's statement of the fact.

Mr. GALLINGER. I fully agree with the Senator that we need preparedness and that it ought to be of sufficient magnitude to protect us from disaster that may come to us at any moment if we are not prepared.

I was attracted by the observation of the Senator from Georgia [Mr. SMITH] that we need aeroplanes. I believe that we have two dilapidated aeroplanes left, but we have not a single aeroplane, and have not had a single aeroplane, that has been equipped with what France and Germany have placed on their aeroplanes, to enable them to become real instruments of war. Two of our aviators were lost in Mexico. They ought to have had an instrument in their aeroplanes to have told them something as to where they were drifting, but such aeroplanes as we have had have been all of the commonest, rudest kind, and mostly they have gone to destruction.

Mr. CHAMBERLAIN. I do not think there is any question about that, Mr. President.

Mr. HUGHES. Mr. President, some time ago I brought to the city of Washington and introduced to the officer in charge of the Aviation Corps a young man, whose name I have forgotten for the moment, but who was a professional flier. He was interested in a plant in the city of Paterson which was manufacturing armored aeroplanes. He had the drawings of an aeroplane, heavily armored and able to carry a pilot, an observer, and a machine-gun operator, as I recollect. He asked me to introduce him to the proper authorities in order that he might learn what the plans of the Government were in connection with the development of the aeroplane service. He wanted to become a Government flier. Subsequently he went to Europe and achieved considerable distinction in his operations over there.

I do not know what the situation is now; but the head of the aeroplane service at that time told me that there were not more than a dozen men in the United States who could fly across country, and there were hardly any of them, as I understood, in the service. He condemned at once the proposition that this young man laid before him. He said the Government was not operating along those lines; and, as I recollect, he said it was for the reason that we did not have the men. It does not seem to me that it makes much difference how many aeroplanes we may have if we have not the pilots to fly them.

Mr. CHAMBERLAIN. There are plenty of men in civil life who could pilot them.

Mr. HUGHES. I do not think there are many such men available in civil life. The officer asked the young man whom I took to the department to enumerate the men whom he knew who were competent for this service. The young man replied, "I will fly; I will fly down here from Paterson and light in the War College grounds, or anywhere you say, in this machine, which I should like to sell to the Government and operate for the Government." The officer again asked how many men are there who will fly across country now. The young man enumerated one or two, and then the officer counted them off, and said they had left the country or were under some other disability, and that morning they could not get hold of or count on 12 men in the whole United States who could fly across country.

Mr. POMERENE. Mr. President, I have had some information to the effect that under the present state of the law it will be impossible to give these experienced fliers the status of a soldier, so that if one of them were to meet with any mishap while serving the country it would simply be as an individual.

Mr. CHAMBERLAIN. That is correct, only they get a little higher pay in that service; that is all.

Mr. HUGHES. They get about \$1,200 or \$1,500 a year, I think.

Mr. CHAMBERLAIN. They get better pay; but I do not think \$10,000 a year would induce me to go up in one of our present aeroplanes.

Mr. HUGHES. I do not think it would induce me to go up in one of them either.

Mr. POMERENE. If I may further ask the Senator a question, my information also is to the effect that the principal difficulty with our present aeroplanes is with the engines; that they are of very inferior mechanism, and for that reason more than for any other they have not been rendering the service which is desired in Mexico.

Mr. CHAMBERLAIN. I really do not know the reason for it; I know that they come down when they go up, and pretty suddenly sometimes. I am not machinist or expert enough to know the reason, but that is the condition; and I know this, too, as a member of the Appropriations Committee of the Senate, and, Mr. President, it is an old story: Officers of the Ordnance Department and of the Signal Corps have come before the committee and told the committee time and time again—not once, but dozens of times—about our needs of artillery, our deficiency in ammunition, aeroplanes, and in everything else; but Congress will not appropriate the necessary money to accomplish what is needed.

Mr. SMITH of Georgia. Mr. President, if the Senator will pardon me, I wish to say with reference to the operators of flying machines that I know that in a number of instances there have been young officers who were anxious to be assigned to such work that they might practice and have the experience, but they were not given the opportunity. I think we have not had the machines; they have been defective as to their engines; we have not had a sufficient number and have not appropriated enough to give the skilled officers of the Army an opportunity to test them out and to gain the experience which, I am satisfied, they would quickly gain if they had the opportunity. I believe they would be as expert as anybody if we gave them a chance.

Mr. CHAMBERLAIN. I do not think there is any doubt about that. The deficiency of our aeroplane service has been brought touchingly home to me within the very recent past. The Senate will remember the case of a young midshipman of the Navy, a young Portland, Oreg., boy, who died while at the academy. There was a great difference of opinion as to how he met his death, and there were some who insist, and with some reason, that he was killed. His young brother at West Point graduated a short while ago and was detailed for duty in the aviation service. After he had become an expert he went up in one of these defective machines with a brother officer. On its way up the machine fell a distance of 600 feet or more, and killed the young man who accompanied my young Oregon friend, very seriously injuring the latter. That is the thing we are sending our young men up against at San Diego and other places in the United States.

Mr. WORKS. Mr. President, as I remember, six young officers have lost their lives at the San Diego training station within the last few years, and it has generally been said that it was the result of defective machinery.

Mr. CHAMBERLAIN. I do not think there is any doubt about it; we have had it called to our attention.

Mr. KENYON. Mr. President, do we not pay as much for these machines as other nations do? And why is it that the



machine that we are using in this country should be so defective? Machine for machine we pay more, do we not?

Mr. CHAMBERLAIN. I think probably we pay as much as anybody.

Mr. KENYON. Why are they defective?

Mr. CHAMBERLAIN. There are a good many reasons for it, I will say to the Senator. In the first place, the service is given too small an appropriation to buy first-class machines. They try to make a small appropriation do a great deal more than it is capable of doing.

Mr. THOMAS. Mr. President, if the Senator will permit me, I will suggest that perhaps the fault is not entirely with Congress. There are some investigations, I think, now being made, or which shortly will be made, with regard to the efficiency as well as the conduct of the Aviation Corps at San Diego.

Mr. CHAMBERLAIN. I think possibly that may develop something; I hope it will; I hope it will develop enough to make Congress realize the importance of giving this matter proper attention. But, Mr. President, I am taking more time than I expected, and more time than I would have taken if I had been permitted to proceed without interruption.

Mr. SMITH of Georgia. I expect the Senator will consume the remainder of the day.

Mr. CHAMBERLAIN. I am not going to do so.

Mr. President, referring again to the proposition of our friends who are opposed to doing anything toward increasing the strength of our Army, who say that we do not need a larger Army, that we are not going to have any war, and that after the war in Europe is over there will be no nation that can war with us, I wish to say that I have not any prophecies or predictions to make with reference to what may happen as to an invasion from a European country; but I do want to call attention to one pertinent fact:

After the Civil War was over, and we had lost billions in wealth and millions in lives of the flower and chivalry of the North and South, there was no better Army on the face of the globe than those old veterans who survived the war and there was not a power on the face of the earth that could have successfully confronted them. They were willing to go anywhere, and they did talk about going somewhere, at the behest of the country; but fortunately they did not have to go.

Then, in this connection, some people talk about "cultivating a military spirit"—"a militaristic spirit, indeed." Mr. President, let us remember Gen. Grant received the sword of Lee in surrender at Appomattox and tendered it back to him with a grace that won the plaudits of the world, and told his comrades in arms to go back and till their fields and their farms, and every man of them went back and tried to revive the country that had been devastated by the ruthless hand of war. And so with the old soldiers, Mr. President, on the northern side. They went back and were absorbed into the useful life of this Republic, and we have four or more of them here to-day, survivors of the Union side, and three of whom are members of the Military Affairs Committee and one, I believe, of the southern side, living useful lives and maintaining the very best traditions of our country.

Mr. President, I would rather have a militaristic spirit, if you please, than to have a spirit which makes us bend to every yoke that may be pressed upon our shoulders. There has been a tendency here to destroy, not a militaristic spirit, which does not exist in our country, but to destroy the martial and patriotic spirit which every free people must have if they would assert their rights, and only their rights, and be prepared to enforce their just demands when occasion requires.

Mr. President, there are two other propositions in this bill to which I am going to call attention. The first is the creation of a volunteer force that is exclusively under Federal control. The Secretary of War had a so-called continental army plan. It did not seem to meet with the approval of the country generally, and when the Secretary of War was on the stand I asked him if he could not eliminate the detailed provisions in the continental army scheme so as to narrow it down to a scope where it would be easy of enforcement and accomplishment. The Secretary tried it and got it in very much better shape. The committee was not quarreling with the Secretary of War. We were all trying to get something to meet the emergencies and to place our country in a proper position of defense. That did not work. We could not hammer that into such shape, and we were weeks in trying to do that; but finally, and through the assistance of the Judge Advocate General of the Army, in a very few lines we provided for the organization of a volunteer force, exclusively under Federal control, that it seems to the committee and to the country, so far as I have been able to judge from reading the newspapers, meets with the approval of the people, and I call your attention to it.

It has been pretty generally recognized that the volunteer act of 1914, approved April 25, 1914, is one of the best pieces of constructive military legislation that the Congress ever passed. My old friend, the Senator from Delaware [Mr. du Pont], framed the bill in the first instance, and it failed of passage, I believe, and subsequently it was adopted in the House. It was introduced in the House in terms very much like the bill as it finally became the law.

Now, Mr. President, that volunteer act applies only in time of war. In trying to devise some system that would meet the situation we accepted that law as a basis for action in time of peace as well as in war, and the pending bill has that provision. It is very short, and I am going to read it to the Senate, so that you may see how easy it has been to create a force that is entirely under the jurisdiction of the War Department.

Section 56 provides:

The President is hereby authorized, at any time, to organize, maintain, and train, under the provisions of sections 3 to 12, both inclusive, of an act entitled "An act to provide for raising the volunteer forces of the United States in time of actual or threatened war," approved April 25, 1914, volunteer forces, not exceeding an average of 600 officers and enlisted men for each congressional district—

That would raise about 261,000 men—

The term of enlistment, which shall in no event be greater than that of the Regular Army, the period of service with the colors and with the reserve, and the period of training shall be as the President may prescribe, those passing to the reserve to have the status and obligations prescribed for reserves of the Regular Army. Officers and enlisted men of the volunteer forces raised under the provisions of this section shall be entitled to the pay and allowances of officers and enlisted men of corresponding grades in the Regular Army during periods of training only.

Temporary appointments and promotions of officers of the Regular Army arising from the operation of this section may be terminated at the discretion of the President.

Officers of the Regular Army who receive commissions in the Volunteer Army herein authorized shall in time of peace receive the pay and allowances of their respective grades in the Regular Army, and no more.

Mr. President, the adoption of that portion of the volunteer act recognizes the desire and meets the wishes evinced by the young men all over this country to join in summer camps and drill. They have recently had an encampment up at Plattsburg. They are now talking of organizing a training camp in California and other camps in other parts of the country, so as to meet the wishes of these gentlemen, who have been the strong advocates of this plan, combining the pleasures of a summer vacation with the most strenuous kind of work, because they work 8 and 10 hours a day when they do go into these training camps for 25 or 30 days at a time. These would all come under this provision and become enlisted soldiers of the United States, ready for service.

Mr. SMITH of Georgia. Mr. President, does this provision authorize the President in time of peace to take practically 261,000 more soldiers into the Army?

Mr. CHAMBERLAIN. Oh, no; just for training purposes, and only for a limited time.

Mr. CUMMINS. Mr. President—

The VICE PRESIDENT. Does the Senator from Oregon yield to the Senator from Iowa?

Mr. CHAMBERLAIN. I do.

Mr. CUMMINS. What is the difference between this section and the existing law?

Mr. CHAMBERLAIN. We have not any law on that subject.

Mr. CUMMINS. The section refers to the law of 1914.

Mr. CHAMBERLAIN. Oh! The Senator means, what is the difference between the law as it stands to-day and the act of 1914?

Mr. CUMMINS. No; I mean, what is the difference between this section and the act of 1914, to which reference is made in the section?

Mr. CHAMBERLAIN. The act of 1914 provides, in the very first section, that these men shall be utilized only in time of war.

Mr. CUMMINS. The Senator from Oregon just answered the Senator from Georgia that this section did not authorize the President to enlist 261,000 men in time of peace.

Mr. CHAMBERLAIN. I may have been mistaken about that statement.

Mr. CUMMINS. I think the Senator is mistaken about that.

Mr. CHAMBERLAIN. Yes; I probably am.

Mr. CUMMINS. I think it authorizes the President to enlist these men at any time and to maintain them—

Mr. SMITH of Georgia. As long as he sees fit.

Mr. CUMMINS. As long as he sees fit to maintain them; and in that lies the difference between this section and the act of 1914, which limited the right of the President to enlist the men to a time of war or threatened war.

Mr. SMITH of Georgia. This, without any limitation, as written, practically puts it in the power of the President to add 261,000 more men to the Army.

Mr. CUMMINS. This section has no limitation, either as to the conditions under which men may be called into the service or as to the length of time during any year for which they may be required to render service.

Mr. SMITH of Georgia. And, practically, the President could add to the Army under this provision 261,000 soldiers.

Mr. DU PONT. Without pay.

Mr. SMITH of Georgia. Oh, no; they receive the same pay that other soldiers do.

Mr. DU PONT. Only when they are in training.

Mr. SMITH of Georgia. When the President has them with the Army; and he can have them there all the time he wishes.

Mr. CHAMBERLAIN. I think probably the Senator from Iowa is correct. I have not read that provision critically for some time, and I may be mistaken in my view about it; but there ought to be some limitation in that regard, if the Senator is correct about it.

Mr. CUMMINS. I hope it will not be thought that I speak in a hostile way.

Mr. CHAMBERLAIN. I understand the Senator.

Mr. CUMMINS. I am opposed to the section; but I want the National Guard enlarged so that it will accommodate the whole desire which the Senator from Oregon has in view.

Mr. CHAMBERLAIN. Of course, these sections and provisions of the bill will come up for discussion from time to time, and there may be many suggestions like that now that have not crossed my mind. I had not thought of it. My recollection was that it limited it to particular times; but the Senator may be entirely correct; and if so, there ought to be some limitation. But that will now organize, with proper limitations, if you please, a volunteer force that is completely under Federal control.

The suggestion of this, Mr. President, brings up the same question that has been the bone of contention ever since the country was organized, and that is the war between the militia, so called, and a purely Federal force. I have not any fear of that fight. I say that the Congress of the United States ought to determine this matter once and for all, so as to have a dependable force.

Why, Mr. President, we remember the history that we learned in our schools. We read about the heroism of our ancestors, and they were heroic; there is not any question about that. We read about the magnificent victories that were accomplished, from Bunker Hill to Yorktown. We hear that all the time. I never heard of anything else but the successes of our troops in the Revolutionary period; and the victories that they did accomplish were the most remarkable victories and accomplished under terrible circumstances. We do not read about the defeats, Mr. President, between Bunker Hill and Yorktown. We do not read about the inefficiencies of our system. There has been that constant war between the States and the Nation with regard to an organized force. Here were some States paying enormous bounties to their men in the Revolutionary days, and the Government itself was paying bounties. Each was bidding against the other as to which should have the services of the men. Short-time enlistments were in vogue. I do not wonder, Mr. President, that Washington got down on his knees in the snow at Valley Forge and prayed for divine assistance. He could not get it from the Continental Congress.

Mr. CUMMINS. Mr. President, the Senator from Oregon must recognize, however, that the Government of the United States at this moment bears very little resemblance to the Government under which Washington fought the War of the Revolution, and that the rights of the Colonies or States during that war were very different from the rights of the States under the Constitution.

Mr. CHAMBERLAIN. Oh, yes; of course I understand that; and there is a very great difference between the militia of that day, as it was enlisted, and the organized National Guard of to-day.

Mr. CUMMINS. I only desire to state that in my opinion—and I intend to try to make it good before the debate is over—Congress has just as much power over the National Guard as it has over the Army, with just one exception, namely, the right of the States to appoint the officers, just as in the great part of the German Army the Empire does not appoint the officers, and no one has ever felt that the Empire was weak in its authority over the German Army.

Mr. NELSON. Mr. President, will the Senator allow me a moment?

Mr. CHAMBERLAIN. I yield to the Senator from Minnesota.

Mr. NELSON. I want to call attention to the fact that while we had the so-called State militia or National Guard in all the Northern States, or most of them, at the time of the Civil War,

I never knew of an instance where a regiment of National Guards, as such, bodily enlisted in the Army of the United States. Our Volunteer Army was formed by individual enlistments. I never knew of a case where a militia regiment or a militia company, as an organization, bodily entered the United States Army.

Mr. OVERMAN. Oh, yes; that was done.

Mr. NELSON. They simply enlisted as individuals during the days of the Civil War.

Mr. CUMMINS. Mr. President, even if that was true, it was simply because Congress did not exercise the power it had under the Constitution.

Mr. OVERMAN. I want to say that that was not true in the South.

Mr. CHAMBERLAIN. I hope we will not get into a discussion of the merits or demerits of the National Guard in the consideration of this question, Mr. President.

Mr. NELSON. I will say to the Senator from North Carolina that I did not intend to refer to the South.

Mr. CHAMBERLAIN. Mr. President, with some limitations, that might be put in this bill, if it is as broad as the Senator suggests—and we will ascertain that in the discussion of it—I think we are prepared for the organization of a splendid Federal force.

The only other matter to which I desire to call attention is this—

Mr. SMITH of Georgia. Mr. President, will the Senator allow me to ask him one question?

Mr. CHAMBERLAIN. Certainly.

Mr. SMITH of Georgia. What does the Senator estimate that force is to cost annually—I mean the force provided for under section 56?

Mr. CHAMBERLAIN. If the Senator will turn to page 25 of the report of the committee on the original bill he will find the costs estimated. Does the Senator want me to state them, or will a reference to the report be sufficient?

Mr. SMITH of Georgia. I thought it would be interesting to have the Senator include that statement in his remarks at this time, if he cares to do so.

Mr. CHAMBERLAIN. The cost of volunteers for the first year would be \$24,000,000—I am just going to state it in round numbers—for the second year \$31,000,000, for the third year \$39,000,000, for the fourth year \$47,000,000, and annually thereafter \$27,000,000. That includes, if the Senator will note, new and other equipment that will be necessary.

Mr. SMITH of Georgia. It was contemplated that those sums should be spent upon this volunteer army?

Mr. CHAMBERLAIN. Yes, sir.

Mr. SMITH of Georgia. For 30 days' service a year?

Mr. CHAMBERLAIN. For 30 days' service a year. That shows the understanding of the committee with reference to this bill. We all thought it only applied to that.

Mr. BORAH. Mr. President—

The VICE PRESIDENT. Does the Senator from Oregon yield to the Senator from Idaho?

Mr. CHAMBERLAIN. I do.

Mr. BORAH. I want to ask the Senator a question before he leaves the subject of the National Guard. What is the present outlay for the National Guard, under the present law, upon the part of the Federal Government?

Mr. CHAMBERLAIN. I will say to the Senator that I have not the exact figures here, but they are something like seven or eight million dollars.

Mr. BORAH. How much does the Senator's bill increase the expenditure on the part of the Federal Government?

Mr. CHAMBERLAIN. Yes, sir—

Mr. LEE of Maryland. Mr. President—

The VICE PRESIDENT. Does the Senator from Oregon yield to the Senator from Maryland?

Mr. CHAMBERLAIN. Pardon me; just let me answer that question. The National Guard under the present bill for the first year is \$46,000,000 in round numbers, for the second year \$50,000,000, for the third year \$40,000,000, for the fourth year \$45,000,000, and \$40,000,000 annually thereafter.

Mr. BORAH. That would be the expenditure under your proposed bill?

Mr. CHAMBERLAIN. Yes, sir.

Mr. BORAH. What is the difference between the increase of expenditure under your bill and the increase of expenditure under the bill from the House?

Mr. CHAMBERLAIN. I do not think ours increases it very much. I think we decrease it. I have a statement here right on that point that I will ask to have inserted in the Record showing the cost.



I am going to have it inserted in the Record so that they may stand in conjunction—the cost of the National Guard, Table II of the Senate committee's report, and a statement showing the cost of the National Guard under House bill 12766.

I will state that the cost of the National Guard the first year will be under the bill passed by the House in round numbers \$42,000,000, as compared with \$48,000,000 under our bill; the second year it will cost \$47,000,000, as compared with \$50,-

000,000 under our bill; the third year it will cost \$58,000,000, as compared with our \$40,000,000. For the fourth year it will cost \$77,000,000, as compared with our \$45,000,000, and annually thereafter under the House bill it will cost \$53,550,000 and under the Senate bill \$40,873,000.

I will ask that the tables be printed in conjunction with each other.

The VICE PRESIDENT. It will be so ordered.

The tables referred to are as follows:

*Cost of National Guard under House bill 12766 as passed by House.*

Corps or department.	First year.	Second year.	Third year.	Fourth year.	Fifth year.	Sixth year and annually thereafter.
Quartermaster.....	\$15,384,000.00	\$18,652,000.00	\$25,421,000.00	\$35,123,000.00	\$40,048,000.00	\$37,510,000.00
Ordnance:						
Current cost.....	2,656,000.00	4,225,000.00	5,606,000.00	8,188,000.00	9,720,000.00	9,720,000.00
New equipment.....	18,885,000.00	18,885,000.00	20,614,000.00	29,660,000.00	20,059,000.00	20,059,000.00
Heavy artillery.....	2,721,000.00	2,721,000.00	4,565,000.00	.....	4,565,000.00	.....
Engineer.....	722,000.00	680,000.00	605,000.00	1,195,000.00	660,000.00	350,000.00
Signal.....	2,104,200.00	2,074,500.00	1,288,400.00	2,716,000.00	832,000.00	5,620,000.00
Medical:						
New equipment.....	84,400.00	98,200.00	215,400.00	369,300.00	197,700.00	135,000.00
Current cost.....	65,000.00	98,000.00	125,000.00	155,000.00	180,000.00	215,000.00
Total.....	42,621,600.00	47,433,700.00	58,439,800.00	77,406,300.00	76,261,700.00	53,550,000.00

*Cost of National Guard.*

	First year.	Second year.	Third year.	Fourth year.	Annually thereafter.
Quartermaster Corps.....	\$17,846,200.00	\$20,551,400.00	\$21,685,800.00	\$23,817,500.00	\$24,760,200.00
Ordnance Department:					
Current cost.....	3,201,000.00	5,099,000.00	7,600,000.00	12,123,000.00	12,123,000.00
New equipment.....	18,689,400.00	18,689,400.00	8,743,000.00	8,743,200.00	.....
Heavy artillery.....	3,285,000.00	3,285,000.00	1,532,000.00	.....	.....
Corps of Engineers.....	722,400.00	680,070.00	230,000.00	235,000.00	235,000.00
Signal Corps.....	2,625,000.00	2,489,400.00	722,400.00	749,700.00	3,600,000.00
Medical Department.....	100,800.00	117,800.00	124,200.00	155,000.00	155,000.00
Total.....	46,349,800.00	50,922,000.00	40,637,400.00	45,820,400.00	40,873,200.00

*Cost of regular forces under House bill 12766 as passed by House.*

Corps or department.	First year.	Second year.	Third year.	Fourth year.	Fifth year and thereafter.
Quartermaster.....	\$105,100,000.00	\$113,199,000.00	\$121,298,000.00	\$128,470,000.00	\$126,276,000.00
Ordnance:					
Current cost.....	3,810,000.00	4,196,000.00	4,535,000.00	4,870,000.00	4,870,000.00
New equipment.....	4,885,000.00	3,062,000.00	3,532,000.00	2,938,000.00	.....
Heavy artillery.....	1,175,000.00	724,000.00	.....	590,000.00	.....
Engineer.....	210,000.00	213,000.00	295,000.00	215,000.00	210,500.00
Signal:					
Current cost.....	900,000.00	1,318,500.00	1,538,500.00	1,758,500.00	1,978,500.00
New equipment.....	734,000.00	262,000.00	280,000.00	255,000.00	.....
Medical.....	916,000.00	1,006,000.00	1,094,000.00	1,184,000.00	1,184,000.00
Total.....	117,740,000.00	123,980,500.00	132,552,500.00	140,283,500.00	134,519,000.00

Mr. CUMMINS. In stating the estimated cost of the Volunteer force I think the Senator from Oregon ought to state the basis on which the estimate is made—that is, the length of time.

Mr. CHAMBERLAIN. Thirty days.

Mr. CUMMINS. I did not understand that he had included that element.

Mr. CHAMBERLAIN. It includes the equipment, you must understand.

Mr. CUMMINS. Certainly, but they are in camp for only 30 days in the year.

Mr. WADSWORTH. Will the Senator from Oregon yield for a question?

Mr. CHAMBERLAIN. Yes, sir.

Mr. WADSWORTH. The recent estimate of annual cost is for 261,000 Federal Volunteers. May I ask the Senator if that estimate is made with a view in mind of having a proportionate number of Cavalry and Field Artillery, with horses and complete equipment?

Mr. CHAMBERLAIN. Does not the report answer the question of the Senator?

Mr. WADSWORTH. No, sir.

Mr. CHAMBERLAIN. I am not sure what enters into that ascertainment. It was made in the War Department.

Mr. WADSWORTH. If the Senator will permit me, the point is this: The National Guard includes cavalry and field artillery, with the maintenance of horses in considerable num-

bers. That is the case to-day, and it will be much greater the case if the bill should pass in its present form. Yet the National Guard is to cost \$40,000,000. Now, the Volunteers are to be in excess of the National Guard in numbers, but are to cost only \$27,000,000. I can not see how they can keep a mounted organization under such an estimate.

Mr. CHAMBERLAIN. Of course, I do not know what is embraced in it, but under the act of 1914, which is adopted by the committee's provision in the bill, the President, I think, can organize those forces just as he sees fit.

Mr. DU PONT. There is nothing to prevent the President from organizing as many Artillery and Cavalry organizations as he pleases.

Mr. WADSWORTH. Could he maintain them in those proportions for \$27,000,000 a year?

Mr. CHAMBERLAIN. It is only for 30 days.

Mr. WADSWORTH. What is to become of the horses for the other 11 months? That is the point.

Mr. LEE of Maryland. Will the Senator yield to me?

Mr. CHAMBERLAIN. Certainly.

Mr. LEE of Maryland. I wish to ask the Senator how many men are contemplated, in Table 12, in the first year's estimate for the cost of volunteers?

Mr. CHAMBERLAIN. It seems to me that that table covers the whole business, I will say to the Senator.

Mr. LEE of Maryland. How many men are estimated for?

Mr. CHAMBERLAIN. The whole number.

Mr. LEE of Maryland. The whole maximum?

Mr. CHAMBERLAIN. Two hundred and sixty-one thousand.

Mr. LEE of Maryland. The whole maximum number possible?

Mr. CHAMBERLAIN. Yes, sir.

Mr. President, nothing remains to call the attention of the Senate to except the National Guard. I fully agree with the Senator from Iowa that the difficulties which have existed with reference to the National Guard have been not due to any lack of power in the General Government to legislate with reference to it, but it has been a lack of the exercise of that power by Congress. We have, as some people are pleased to say, 48 little armies throughout the United States, all acting under different jurisdictions and without any regard to each other. But, Mr. President, that is because Congress has not exercised its power. I claim with the Senator that if Congress will only exercise the power, it has almost as complete jurisdiction to do as it pleases with the National Guard as it has with the organized Regular troops, with the exception only of the appointment of officers.

Now, we have undertaken in this bill to exhaust all the power the Federal Government has under the Constitution and to so limit the power of appointment of officers that even that will be measurably a Federal force. This, I will say, is the arbitrary action of the committee, but it is done after consultation with the National Guard officers and the authorities of the States who are anxious to become as useful a component part of the armed establishment as it is possible for them to be. They have given us every assistance possible and are willing to do whatever Congress feels is necessary for them to do, and which can be constitutionally done to make them to all practical purposes a Federal force.

Mr. BORAH rose.

Mr. CHAMBERLAIN. Does the Senator want to interrupt me?

Mr. BORAH. The Senator said that under the Constitution the National Government has the same power over the National Guard it has over the Army except as to appointing officers. What force and effect and scope does the Senator give to the clause "and also the training of the National Guard"?

Mr. CHAMBERLAIN. Training "under the discipline prescribed by Congress."

Mr. BORAH. Exactly. You can prescribe discipline and it is left to the State officers to train them. But to prescribe a form of discipline amounts to nothing unless it is carried out, and whether it shall be carried out depends upon the State.

Mr. CHAMBERLAIN. Mr. President, the power to discipline and train these State troops prescribed by Congress, it seems to me, carries with it the power to do everything that you could do with the National Guard.

Mr. BORAH. Exactly; but it is left to the State to train the National Guard. Now, Congress can prescribe the discipline. If they are trained they must be trained according to the discipline, but the initiative is upon the part of the State as to whether or not it shall train the National Guard.

Mr. CHAMBERLAIN. Suppose they do not do it.

Mr. BORAH. Exactly; suppose they do not.

Mr. CHAMBERLAIN. They go out.

Mr. BORAH. Precisely, and there is where the danger lies. There is the weakness—the breakdown.

Mr. CHAMBERLAIN. I am speaking of the laws as they exist now. Let me call the Senator's attention to the fact that we have prescribed rules and methods that will subject these men to court-martial proceedings and the Articles of War.

Mr. BORAH. I agree with the Senator. You have exhausted the powers of the National Government, and I think perhaps overdrawn.

Mr. CHAMBERLAIN. It may be so. I hope we have.

Mr. BORAH. But the point with me is that undoubtedly the appointment of officers belongs to the State. My observation and my reading lead me to believe that those officers will be appointed as a result of political preference.

Mr. CHAMBERLAIN. We tried to avoid that, I will say to the Senator.

Mr. BORAH. I know you have; but, with all due deference to the ability of the committee and the great zeal and ingenuity the committee has manifested and exercised in regard to it, it seems to me it is impossible to avoid it.

Mr. CHAMBERLAIN. I differ from the Senator; but the courts would have to determine in the final analysis.

Mr. BORAH. The court has determined the basic principles.

Mr. CHAMBERLAIN. Let me say this to the Senator: If I am not very much mistaken in my recollection of the conditions in reference to the civil-service law, I think the law as it was first passed was upset by the Supreme Court on the theory that

it deprived the President of the constitutional power of appointment. So to correct that the law was amended so as not to deprive the President of the appointing power, and the commission is required to certify up three instead of one. It looks like a distinction without a difference. They certify up three, and the President takes one of the three. The power of selection is preserved.

Mr. BORAH. But does the Senator make no distinction as between the limiting of the power of the President to appoint a Federal officer and the limiting of the power of separate sovereignty in the reserved right to appoint officers?

Mr. CHAMBERLAIN. The Senator and I read the constitutional provisions and look at them from a different viewpoint.

Mr. President, as I said a while ago, notwithstanding the decision of the Attorney General of the United States, Mr. Wickersham, under the Taft administration; notwithstanding the opinion of The Adjutant General, who is a very distinguished man; notwithstanding the views of a great many distinguished men in the country to the contrary, I believe that Congress has unlimited control over the National Guard, except in the matter of the appointment of officers.

Mr. BORAH. Suppose Congress should pass a law providing that the governor of a State should be limited to three men in the appointment of chief justice of the State. Could we pass such a law, assuming that was an appointive office?

Mr. CHAMBERLAIN. Of course not. I have not any doubt on that point.

Here again is the difference that I talked about a while ago, Mr. President—Federal and State control. It has made inefficient the Military Establishment of this country from the earliest days. It has been due to this hairsplitting—and I am not referring to the Senator's argument, because I know the Senator never indulges in that—but because of the hairsplitting differences of distinguished men in the past, as to the jurisdiction that the Congress and the State has over this subject.

Mr. BORAH. The Supreme Court has decided very explicitly that the power of appointment is plainly and exclusively with the State. That has been settled not only by the plain terms of the Constitution but by the decision of the court. If that is true, I do not believe that it is within the power of the National Government to say that the governor of a State shall appoint one of three men. That would unquestionably be a limitation on the power of the State. I do not believe Congress can limit that power. It was a power belonging to the States without limit, and no part of it was delegated to the National Government. I am speaking now of the power to appoint the officers.

Mr. DU PONT. The bill does not say that. The bill says that the Government will not pay any officer unless appointed after a certain examination.

Mr. BORAH. That is an effort to get around the Constitution through the persuasive power of money, and is neither constitutionally or morally very attractive.

Mr. CHAMBERLAIN. Mr. President, let me say to the Senator—and the Senator's experience will vindicate the statement I make—it is said the Constitution follows the flag, and it does. It has followed it into jurisdictions and into countries and territories where no man ever conceived it would have to go; but it goes.

Mr. President, if this question has to be determined by the Supreme Court of the United States or any court when there is an emergency confronting our people, I have not any doubt about what it will hold.

Mr. BORAH. That is just exactly what happened in 1812. The Supreme Court of Massachusetts and the Supreme Court of Connecticut held that the power to determine what should constitute an emergency justifying the calling out of the militia rested with the State. Twelve years after the war was over the Supreme Court of the United States reversed that opinion; but the war was over.

Mr. CUMMINS. Mr. President, I should be very sorry if this constitutional question prejudices the minds of Senators against the National Guard in this early stage of the discussion upon the bill. I know there is a widespread prejudice against it, but we begin the whole subject with a false provision. We look upon the militia as State troops. They are not State troops. There is no such thing as a State militia any more than a national militia. The Constitution does not say anything about a State militia. The Constitution describes these troops as militia, and when they are organized they are not State troops, they are national troops, if they are organized under the power of Congress.

I agree that the Constitution reserves to the States the power to appoint officers, and I do not dispute the view just expressed



by the Senator from Idaho [Mr. BORAH] that we can not limit or affect the power of appointment. But the moment the officers are appointed they may become, if Congress so wills, not State officers but Federal officers. They command a Federal force and are just as much subject to the lawful orders of the President of the United States as would be an officer of the Regular Army. That is my view of it.

If an officer of the National Guard should receive at the same time an order from the governor and an order from the President and those orders were inconsistent with each other, then he must obey the order of the President because the Federal law is the supreme law of the land.

The question of how far we can influence the choice made by the States in appointing officers of the National Guard is a very interesting inquiry, but I hope that Senators will not make up their minds finally until the whole subject is fully discussed.

Mr. SMITH of Georgia. Mr. President—

Mr. CHAMBERLAIN. I hope Senators will not get up a discussion on this point, because I want to get through.

Mr. SHERMAN. Mr. President—

The VICE PRESIDENT. Does the Senator from Oregon yield, and to whom?

Mr. CHAMBERLAIN. As the Senator from Georgia rose first, I yield to him.

Mr. SMITH of Georgia. I want to ask the Senator from Iowa a question. I want his opinion as to how far under the power of organizing and arming and disciplining the militia the National Government has the right to prescribe the qualifications of officers. The governor could select them; but if the National Government can organize, arm, and discipline and prescribe the rules, could it not prescribe qualifications for the officers without the power of selecting them?

Mr. CUMMINS. Mr. President, I prefer to answer that question later in the debate. I will say, however, I have serious doubt about the congressional power to limit directly in any way the discretion or authority of the State in the appointment of officers.

Mr. CHAMBERLAIN. I now yield to the Senator from Illinois.

Mr. SHERMAN. As supplemental to what the senior Senator from Iowa [Mr. CUMMINS] has said, I wish to suggest that a part of the fears that have been expressed here about the appointment of the officers of the State militia will not be realized. I wish to add to what the Senator from Oregon has already said that we must face, the utilization of the National Guard with reference to existing conditions. I know—and I say

this for whatever it may be worth—the organizations of the National Guard in States of very reputable size whose officers are not only not appointed for political reasons but they endure through administration after administration, the same officers being affiliated with the political party that is in the minority. Politics does not have any place whatever in the organization or in the management of the State National Guard. On the contrary, politics has been entirely eliminated. The same adjutant general has served, to my certain knowledge, in some of the National Guard organizations for more than 14 years, although the present adjutant general in one State is of an entirely different political party from that of the governor of the State. On the contrary, instead of the fears of the Senator from Idaho [Mr. BORAH] being realized, I think under existing conditions, where the training is under the inspection or the immediate eye of the officers of the Regular Army, the tendency has been to eliminate politics everywhere and to go to a strictly military organization.

Mr. CHAMBERLAIN. I think, probably, that is largely true, though in some instances it exists.

Mr. President, I want to apologize to the Senate for having taken so much time. I did not intend to trespass on the time of the Senate so long; but I have stated in a very general way the provisions of the bill and the purposes sought to be accomplished by the committee.

Mr. SMITH of Georgia. Will the Senator explain to us a little further the object and the use of the increased expenditure for the National Guard, and, if he recalls it, exactly the difference between his plan for the National Guard and the plan of the bill as passed by the House? I want to say to the Senator I am very sure every Senator present is gratified at the time he has taken and is deriving real benefit from it.

Mr. CHAMBERLAIN. I thank the Senator.

One thing that occasions the difference between the House and Senate bills as to the National Guard is due to the fact that the House committee increases the number to about 800 for a congressional district and we increase it to 500.

Now, Mr. President, in conclusion I ask to have inserted in the RECORD the following summary of the maximum and minimum strength of the Army under Senate bill 4840 and under House bill 17766 as passed by the House. That will give a comparative statement for reference which will be available to Senators in the discussion of the bill.

The PRESIDING OFFICER (Mr. HOLLIS in the chair). Without objection, it is so ordered.

The matter referred to is as follows:

TABLE 1.—Summary of the minimum strength of the Army.

	Under existing law.									
	Major general.	Brigadier general.	Colonel.	Lieutenant colonel.	Major.	Captain.	First lieutenant.	Second lieutenant.	Total commissioned.	Total enlisted.
31 Infantry regiments (including Porto Rico regiment).....			30	30	90	461	460	460	1,531	26,569
15 Cavalry regiments.....			15	15	45	225	225	225	750	12,240
6 Field Artillery regiments.....			6	6	12	66	78	78	246	5,010
170 Coast Artillery Corps companies.....			14	14	42	210	210	210	701	19,321
Brigade headquarters Infantry, Cavalry, Field Artillery.....										
Headquarters troops, Infantry and Cavalry divisions.....										
General officers of the line.....	7	17							24	
General Staff Corps.....			24	26	12	12			34	
Adjutant General's Department.....		1	5	7	10				23	
Inspector General's Department.....		1	5	4	9				17	
Judge Advocate General's Department.....		1	2	3	7				13	
Quartermaster Corps.....	1	2	12	18	48	102			183	26,403
Medical Corps.....	1		14	24	105	239	215		598	4,012
Corps of Engineers.....		1	15	22	51	60	56	43	245	1,234
Ordnance Department.....		1	6	9	19	25	25		85	765
Signal Corps.....		1	1	2	6	22	74		106	1,472
Bureau of Insular Affairs.....		1	1		1				3	
Chaplains.....					15	23	29		67	
42 veterinarians.....										
Detached officers.....			8	9	27	82	74		200	
Detached enlisted men.....										
Additional officers.....			4	3					7	632
Recruiting parties, depots, unassigned recruits.....			25	1			1		27	
Military Academy.....										6,098
Service schools detachments.....										746
United States disciplinary barracks guards.....										350
Disciplinary organizations.....										110
Mounted orderlies.....										7
Indian scouts.....										75
Total Regular Army.....	9	27	161	167	487	1,515	1,447	1,016	4,529	85,044
Additional force, Philippine Scouts.....						52	65	65	182	5,733
Grand total.....	9	27	161	167	487	1,567	1,512	1,081	5,011	90,777

[For footnotes see p. 5082.]

TABLE 1.—Summary of the minimum strength of the Army—Continued.

	Under Senate bill 4840 or Senate committee amendment to H. R. 12766.									
	Major general.	Brigadier general.	Colonel.	Lieutenant colonel.	Major.	Captain.	First lieutenant.	Second lieutenant.	Total commissioned.	Total enlisted.
31 Infantry regiments (including Porto Rico regiment).....			65	65	195	975	1,040	975	3,315	87,035
15 Cavalry regiments.....			25	25	75	400	400	400	1,325	24,900
6 Field Artillery regiments.....			21	21	48	237	294	258	879	18,018
170 companies Coast Artillery Corps.....		1	24	24	72	360	360	360	1,201	24,897
Brigade headquarters, Infantry, Cavalry, and Field Artillery.....										288
Headquarters troops, Infantry and Cavalry Division.....						6	6	6	18	738
General officers of the line.....	* 10	* 37								
General Staff Corps.....			10	12	32	34				88
Adjutant General's Department.....		1	7	13	39					60
Inspector General's Department.....		1	4	8	16					29
Judge Advocate General's Department.....		1	2	6	12	10				31
Quartermaster Corps.....	10 1	10 2	17	30	54	155			259	11 6,409
Medical Corps.....	12 1		20	40	214	12 622			14 1,070	11 7,290
Corps of Engineers.....		1	23	30	72	152	148	79	505	5,334
Ordnance Department.....		1	6	12	24	33	33		109	1,065
Signal Corps.....		1	3	10	23	64	215		316	10 3,387
Bureau of Insular Affairs.....		1	1		1				3	
Chaplains.....									18 136	
42 veterinarians.....									18 124	
Detached officers.....			19	23	185	389	426		1,022	
Detached enlisted men.....										1,500
Military Academy.....			4	3					7	632
Additional officers.....										
Recruiting parties, recruit depots, and unassigned recruits.....										6,098
Service school detachments.....										746
United States Disciplinary Barracks guards.....										350
Disciplinary organizations.....										110
Mounted orderlies.....										
Indian scouts.....										56
Total Regular Army.....	12	47	251	322	1,042	3,437	2,922	2,078	10,544	188,853
Additional force, Philippine Scouts.....						52	65	65	182	5,733
Grand total.....	12	47	251	322	1,042	3,489	2,987	2,143	10,726	194,586

  

	Under House bill 12766 as passed House.										
	Major general.	Brigadier general.	Colonel.	Lieutenant colonel.	Major.	Captain.	First lieutenant.	Second lieutenant.	Total commissioned.	Total enlisted.	Additional enlisted for foreign service. <sup>18</sup>
41 Infantry regiments (including Porto Rico regiment).....			40	41	123	656	656	656	2,172	37,392	13,269
15 Cavalry regiments.....			15	15	45	240	240	240	795	14,400	1,440
108 Field Artillery batteries.....			12	12	36	192	192	228	672	15,660	1,539
222 companies Coast Artillery Corps.....		1	19	19	56	278	278	278	929	25,203	
Brigade headquarters, Infantry, Cavalry, and Field Artillery.....											
Headquarters troops, Infantry and Cavalry Division.....											
General officers of the line.....	7	17							24		
General Staff Corps.....										23	
Adjutant General's Department.....		1	5	7	10					17	
Inspector General's Department.....		1	3	4	9					13	
Judge Advocate General's Department.....		1	2	3	7					232	17 7,780
Quartermaster Corps.....	1	2	16	22	60	131			932	19 5,928	
Medical Corps.....			31	54	235	672			299	2,735	
Corps of Engineers.....		1	16	23	55	75	71	58	142	1,115	
Ordnance Department.....		1	10	15	32	42	42		179	2,698	
Signal Corps.....		1	1	2	6	18	151		3		
Bureau of Insular Affairs.....		1	1		1				83		
Chaplains.....					15	23	45		90		
42 veterinarians.....					19	34	37		986		
Detached officers.....			28	29	* 84	420	425				
Detached enlisted men.....											
Military Academy.....			4	3					7	632	
Additional officers.....			22	1		1			24		
Recruiting parties, recruit depots, and unassigned recruits.....										4,587	
Service school detachments.....										746	
United States Disciplinary Barracks guards.....										350	
Disciplinary organizations.....										110	
Mounted orderlies.....											56
Indian scouts.....											
Total Regular Army.....						52	65	65	182	5,733	
Additional force, Philippine Scouts.....											
Grand total.....	9	26	225	250	774	2,819	2,199	1,562	7,864	17 125,125	* 16,239

[For footnotes see p. 5082.]



TABLE 2.—Summary of the maximum strength of the Army.

	Under existing law.									
	Major general.	Brigadier general.	Colonel.	Lieutenant colonel.	Major.	Captain.	First lieutenant.	Second lieutenant.	Total commissioned.	Total enlisted.
31 Infantry regiments (including Porto Rico regiments).....			30	30	90	461	460	460	1,531	56,315
15 Cavalry regiments.....			15	15	45	225	225	225	750	18,540
6 Field Artillery regiments.....			6	6	12	66	78	78	246	7,116
170 companies Coast Artillery Corps.....		1	14	14	42	210	210	210	701	19,321
Brigade headquarters, Infantry, Cavalry, and Field Artillery.....										
Headquarters troops, Infantry and Cavalry division.....										
General officers of the line.....	7	17							24	
General Staff Corps.....			24	26	12	12			34	
Adjutant General's Department.....		1	5	7	10				23	
Inspector General's Department.....		1	3	4	9				17	
Judge Advocate General's Department.....		1	2	3	7				13	
Quartermaster Corps.....	1	2	12	18	48	102			183	6,403
Medical Corps.....	1		14	24	105	239	215		598	4,012
Corps of Engineers.....		1	15	22	51	60	56	43	248	2,002
Ordnance Department.....		1	6	9	19	25	25		85	765
Signal Corps.....		1	1	2	6	22	71		106	1,472
Bureau of Insular Affairs.....		1			1				3	
Chaplains.....					15	23	29		67	
42 veterinarians.....										
Detached officers.....			8	9	27	82	74		200	
Detached enlisted men.....										
Military Academy.....			25	1			1		27	
Additional officers.....										6,098
Recruiting parties, recruit depots, and unassigned recruits.....			4	3					7	632
Service school detachments.....										746
United States Disciplinary Barracks guards.....										350
Disciplinary organizations.....										110
Mounted orderlies.....										7
Indian scouts.....										75
Total Regular Army.....	9	27	161	167	487	1,515	1,447	1,016	4,829	123,964
Additional force, Philippine Scouts.....						52	65	65	182	5,733
Grand total.....	9	27	161	167	487	1,567	1,512	1,081	5,011	129,697

  

	Under Senate bill 4840 or Senate committee amendment to H. R. 12766.									
	Major general.	Brigadier general.	Colonel.	Lieutenant colonel.	Major.	Captain.	First lieutenant.	Second lieutenant.	Total commissioned.	Total enlisted.
31 Infantry regiments (including Porto Rican regiments).....			65	65	195	975	1,040	975	3,315	127,660
15 Cavalry regiments.....			25	25	75	400	400	400	1,325	26,825
6 Field Artillery regiments.....			21	21	48	237	294	258	879	26,599
170 Coast Artillery Corps companies.....		1	24	24	72	360	360	360	1,201	30,000
Brigade headquarters, Infantry, Cavalry, Field Artillery.....										288
Headquarters troops, Infantry and Cavalry divisions.....						6	6	6	18	738
General officers of the line.....	10	37							47	
General Staff Corps.....			10	12	32	34			88	
Adjutant General's Department.....		1	7	13	39				60	
Inspector General's Department.....		1	4	8	16				29	
Judge Advocate General's Department.....		1	2	6	12				31	
Quartermaster's Department.....	11	12	17	30	54	155			259	6,409
Medical Corps.....	11		20	40	214	622			1,070	7,290
Corps of Engineers.....		1	23	30	72	152	148	79	565	7,797
Ordnance Department.....		1	6	12	24	33	33		109	1,065
Signal Corps.....		1	3	10	23	64	215		316	4,338
Bureau of Insular Affairs.....		1			1				3	
Chaplains.....									136	
42 Veterinarians.....									124	
Detached officers.....			19	23	165	389	426		1,022	
Detached enlisted men.....										1,500
Additional officers.....										6,098
Recruiting parties, depots, unassigned recruits.....			4	3					7	632
Military Academy.....										746
Service schools detachments.....										350
United States Disciplinary Barracks guards.....										110
Disciplinary organizations.....										56
Mounted orderlies.....										
Indian scouts.....										
Total Regular Army.....	12	47	251	322	1,042	3,437	2,922	2,078	10,544	248,510
Additional force, Philippine Scouts.....						52	65	65	182	5,733
Grand total.....	12	47	251	322	1,042	3,489	2,987	2,143	10,726	254,243

[For footnotes see p. 5082.]

TABLE 2.—Summary of the maximum strength of the Army—Continued.

	Under H. R. 12766 as passed House.									
	Major general.	Brigadier general.	Colonel.	Lieutenant colonel.	Major.	Captain.	First lieutenant.	Second lieutenant.	Total commissioned.	Total enlisted.
31 Infantry regiments (including Porto Rico regiment).....			40	41	123	656	656	656	2,172	79,212
15 Cavalry regiments <sup>1</sup> .....			15	15	45	240	240	240	705	20,880
6 Field Artillery regiments <sup>2</sup> .....			12	12	36	192	192	228	672	21,816
170 Coast Artillery Corps companies.....			19	19	56	278	278	278	929	25,203
Brigade headquarters Infantry, Cavalry, Field Artillery.....										
Headquarters troops, Infantry and Cavalry divisions.....	7	17							24	
General officers of the line.....										
General Staff Corps.....			5	7	10				23	
Adjutant General's Department.....		1	3	4	9				17	
Inspector General's Department.....		1	2	3	7				13	
Judge Advocate General's Department.....	1	2	16	22	60	131			232	20 7,780
Quartermaster Department <sup>3</sup> .....			48	84	362	1,034			1,528	20 9,124
Medical Corps.....			16	23	55	75	71	68	299	4,463
Corps of Engineers.....			10	15	32	42	42		142	1,115
Ordnance Department.....			1	2	6	18	151		179	2,608
Signal Corps.....			1		1				3	
Bureau of Insular Affairs.....					15	23	45		83	
Chaplains.....					19	34		37	90	
42 veterinarians.....			28	20	84	420	425		986	
Detached officers.....										
Detached enlisted men <sup>4</sup> .....			22	1		1			24	
Additional officers <sup>5</sup> .....										7,258
Recruiting parties, depots, unassigned recruits <sup>6</sup> .....			4	3					7	632
Military Academy <sup>7</sup> .....										
Service schools detachments <sup>8</sup> .....										
United States Disciplinary Barracks guards <sup>9</sup> .....										
Disciplinary organizations <sup>10</sup> .....										
Mounted orderlies <sup>11</sup> .....										56
Indian scouts <sup>12</sup> .....										
Total Regular Army.....										
Additional force, Philippine Scouts.....						52	65	65	182	12,000
Grand total.....	9	26	242	280	901	3,181	2,199	1,562	8,400	192,237

<sup>1</sup> Including 14 bands.<sup>2</sup> Not additional to commissioned strength of Army.<sup>3</sup> Of which 6,000 are not included in the strength of the Army.<sup>4</sup> Number of captains and lieutenants depends upon length of service.<sup>5</sup> Enlisted strength fixed by the President.<sup>6</sup> Number of captains and first lieutenants depends upon length of service.<sup>7</sup> Included in the strength of their organizations.<sup>8</sup> Enlisted strength fixed by the President.<sup>9</sup> Including Chief of Staff with rank of lieutenant general.<sup>10</sup> Including assistant to Chief of Staff.<sup>11</sup> Eventually 1 brigadier general only.<sup>12</sup> Enlisted strength fixed by President, Quartermaster Corps and Hospital Corps men not counted in the authorized strength of the Army.<sup>13</sup> Either captains or lieutenants.<sup>14</sup> Not to exceed 15 to have the pay and allowances of majors.<sup>15</sup> Dental surgeons at the rate of 1 per 1,000 enlisted men.<sup>16</sup> Based on present organizations on foreign duty.<sup>17</sup> Not counted in enlisted strength of the Army.<sup>18</sup> Sec. 7 of bill as passed House provides that the total enlisted force of the line of the Army shall not exceed at any one time 140,000, except as provided in sec. 1 thereof.<sup>19</sup> Additional in war, 324 officers, 12,258 men.<sup>20</sup> Not counted in enlisted strength of the Army.<sup>21</sup> 1,034 captains are captains and first lieutenants.

Mr. POMERENE. Mr. President—

The PRESIDING OFFICER. Does the Senator from Oregon yield to the Senator from Ohio?

Mr. CHAMBERLAIN. I yield, Mr. President.

Mr. POMERENE. The Senator has been speaking of the National Guard. A matter was called to my attention this morning that I should like to have an explanation of from the chairman of the committee. Section 108 of the bill provides that—

Commissioned officers on the active list belonging to organizations of the National Guard shall annually receive as reimbursement for their expenses and compensation for their services, except during periods of service for which under existing law they may become entitled to the same pay as officers of corresponding grades of the Regular Army, at the following rates, namely: To captains commanding companies or similar units, \$500; to first lieutenants of companies or similar units, \$300; to second lieutenants of companies or similar units, \$250.

As this section is framed it would seem that any officer in the National Guard above the rank of captain would not receive any compensation from the Federal Government at all. I confess I do not see the justice of saying that a man shall be paid for his services while a member of the National Guard so long as he is of the rank of captain or below that rank, but if he should have a rank above that of captain he shall not receive any compensation.

Mr. CHAMBERLAIN. I will state that the committee purposely struck out pay for officers above the rank of captain on the theory that in the National Guard, as it is at present organized, the captains are the working force of the unit. The company is the working unit. In some States, however, that hardly applies. I know at one time in my State we had a brigadier general and about three or four companies over which he presided. There was not any use for such an officer as that.

The probability is that these higher ranking officers will be necessary in most of the States, I mean below the grade of brigadier general, but we limited it to the captain, assuming that he was the working factor in the development and training of the troops.

Mr. POMERENE. I want to say that so far as the National Guard in Ohio is concerned the men who do as much if not more work than the captains themselves are the colonels and lieutenant colonels. They have an immense amount of correspondence, and they provide their own stenographers usually. It does seem to me they should be entitled to at least the compensation which the committee in its wisdom has seen fit to give to a captain.

Mr. SMITH of Georgia. They get a captain's pay.

Mr. POMERENE. Under the provisions of the bill they would not get anything from the Federal Government.

Mr. SMITH of Georgia. I thought it meant that while they hold a higher rank the pay was not to go higher than that of a captain.

Mr. POMERENE. That was the provision of the bill as it passed the House, but it has been changed by the Senate committee so that an officer might be above the rank of captain and he would not get any pay at all from the Federal Government.

Mr. SMITH of Georgia. I will state that any officer of higher rank should, in my opinion, have the pay of a captain.

Mr. POMERENE. That is my judgment about it.

Mr. CHAMBERLAIN. May I say to the Senator from Ohio that when these National Guards go into encampment the higher officers are paid exactly as Army officers are paid, and that is where they do most of their work, where they have brigades.



Mr. POMERENE. They have a vast deal of detail work to do during the entire year, whether in camp or not.

Mr. CHAMBERLAIN. I will say to the Senator that that can come up by way of amendment when we reach that provision of the bill.

Mr. CUMMINS. Before the Senator from Oregon takes his seat I should like to ask him one question. He may have answered it while I was out of the Chamber. What are the circumstances under which the President can increase the Regular Army to 250,000?

Mr. CHAMBERLAIN. The distinction is between peace and war or when war is imminent.

Mr. CUMMINS. The President is limited—

Mr. CHAMBERLAIN. He is limited in time of peace.

Mr. CUMMINS. In peace he is limited to the number of men provided in the bill substantially.

Mr. CHAMBERLAIN. Yes, sir; practically two-thirds of the maximum strength.

I now ask that the bill be read.

The PRESIDING OFFICER. The Secretary will read the amendment of the committee in the nature of a substitute.

The SECRETARY. The Committee on Military Affairs reports to strike out all of the bill after the enacting clause and in lieu thereof to insert:

That the Army of the United States shall consist of the Regular Army, the Volunteer Army, the Officers' Reserve Corps, the National Guard while in the service of the United States, and such other land forces as Congress may from time to time authorize.

SEC. 2. Composition of the Regular Army: The Regular Army of the United States, including the existing organizations, shall consist of 64 regiments of Infantry, 25 regiments of Cavalry, 21 regiments of Field Artillery, a Coast Artillery Corps, the brigade, division, corps, and Army headquarters, with their detachments and troops, a General Staff Corps, an Adjutant General's Department, an Inspector General's Department, a Judge Advocate General's Department, a Quartermaster Corps, a Medical Department, a Corps of Engineers, an Ordnance Department, a Signal Corps, the officers of the Bureau of Insular Affairs, the detached officers, the chaplains, the veterinarians, the Regular Army Reserve, all organized as hereinafter provided, and the following as now authorized by law: The officers and enlisted men on the retired list; the additional officers; the professors, the Corps of Cadets, the general Army service detachment, and detachments of Cavalry, Field Artillery, and Engineers, and the band of the United States Military Academy; the post noncommissioned staff officers; the recruiting parties, the recruit-depot detachments, and unassigned recruits; the service-school detachments; the disciplinary guards; the disciplinary organizations; the Indian Scouts; and such other officers and enlisted men as may be hereinafter provided for.

SEC. 3. Composition of brigades, divisions, etc.: The mobile troops of the Regular Army of the United States shall be organized, as far as practicable, into brigades and divisions. The President is authorized, in time of actual or threatened hostilities, or when in his opinion the interests of the public service demand it, to organize the brigades and divisions into such corps or armies as may be necessary. The typical Infantry brigade shall consist of a headquarters and three regiments of Infantry. The typical Cavalry brigade shall consist of a headquarters and three regiments of Cavalry. The typical Field Artillery brigade shall consist of a headquarters and three regiments of Field Artillery. The typical Infantry division shall consist of a headquarters, three Infantry brigades, one regiment of Cavalry, one Field Artillery brigade, one regiment of Engineers, one field battalion of Signal Corps, one aero squadron, one ammunition train, one supply train, one engineer train, and one sanitary train. The typical Cavalry division shall consist of a headquarters, three Cavalry Brigades, one regiment of Field Artillery (horse), one battalion of mounted engineers, one field signal battalion (mounted), one aero squadron, one ammunition train, one supply train, one engineer train, and one sanitary train. The typical corps shall consist of a headquarters, two or more Infantry divisions, one or more Cavalry brigades or a Cavalry division, one Field Artillery brigade, one telegraph battalion, and one field signal battalion, and such ammunition, supply, engineer, and sanitary trains as the President may deem necessary. Nothing herein contained, however, shall prevent the President from increasing or decreasing the number of organizations prescribed for the typical brigades, divisions, and corps, or from prescribing new and different organizations and personnel as the efficiency of the service may require.

SEC. 4. Headquarters personnel of higher tactical units and trains: The brigade headquarters shall consist of such officers, enlisted men, and civilians as the President may prescribe. The typical headquarters of an Infantry, Cavalry, or Field Artillery brigade shall consist of 1 brigadier general, 1 adjutant, 2 aids (lieutenants), 1 sergeant, 1 cook, 6 privates, and 1 wagoner. A division headquarters shall consist of such officers, enlisted men, and civilians as the President may prescribe. The typical Infantry and Cavalry division headquarters shall consist of 1 major general, 1 chief of staff, 1 adjutant, 1 inspector, 1 judge advocate, 1 quartermaster, 1 surgeon, 1 ordnance officer, 1 signal officer, 1 sanitary inspector, 2 assistants to the chief of staff, 4 assistants to the quartermaster, 1 assistant to the surgeon, 3 aids (captains or lieutenants), 1 headquarters troop, consisting of 1 captain, 1 first lieutenant, 1 second lieutenant, 1 first sergeant, 1 mess sergeant, 1 supply sergeant, 1 stable sergeant, 5 sergeants, 8 corporals, 2 horseshoers, 1 saddler, 2 cooks, 2 buglers, 1 mechanic, 14 privates first class, and 43 privates, and a quartermaster detachment of 5 sergeants first class, 5 sergeants, and 5 wagoners. Officers for the headquarters troop shall be detailed from the Cavalry Arm, and when detailed such details shall be subject to the provisions of section 27, act of Congress approved February 2, 1901. A corps or army headquarters shall consist of such officers, enlisted men, and civilians as the President may prescribe.

Each supply train, ammunition train, sanitary train, and engineer train shall consist of such officers and enlisted men and shall be organized as the President may prescribe, the line officers necessary therewith to be detailed under the provisions of sections 26 and 27, act of Congress approved February 2, 1901.

SEC. 5. General officers of the line: There shall be appointed, as now provided by law, including 6 major generals and 15 brigadier generals now holding commissions as general officers of the line of the Army, 10 major generals, of whom one shall be available for service as Chief of Staff and one to command each division; 37 brigadier generals, 3 of whom shall be available as assistants to the Chief of Staff: *Provided*, That hereafter in time of peace major general shall be appointed from officers of the grade of brigadier general, and brigadier generals shall be appointed from officers of the grade of colonel of the Regular Army.

SEC. 6. The General Staff Corps: The General Staff Corps shall consist of one Chief of Staff, detailed in time of peace from major generals of the line, who shall while so serving have the rank, pay, and allowances prescribed for a lieutenant general, and shall take rank and precedence over all other officers on the active list of the Army; 3 assistants to the Chief of Staff, brigadier generals, detailed in time of peace from the brigadier generals of the line, 1 of whom shall be the president of the Army War College and 1 of whom shall be Chief of the Division of Militia Affairs; 10 colonels; 12 lieutenant colonels; 32 majors; and 34 captains, to be detailed from corresponding grades in the Army under such rules of selection as the President may prescribe. If any officer so detailed shall be promoted to the next higher grade while so serving, the number of officers of the General Staff Corps in the grade to which he is promoted shall be increased by one for such time as the officer so promoted is an additional number in the advanced grade. The total number of officers detailed to the General Staff Corps shall at no time exceed the aggregate of the numbers herein specified for the several grades. All officers detailed in the General Staff Corps shall be detailed therein for periods of four years, unless sooner relieved. While serving in the General Staff Corps it shall be permitted to temporarily assign them to duty with any branch of the Army. Upon being relieved from duty in the General Staff Corps officers shall return to the branch of the Army in which they hold permanent commissions, and no officer shall be eligible to a further detail in the General Staff Corps until he has served two years with the branch of the Army in which commissioned, except in cases of national emergency or in time of war. Section 27 of the act of Congress, approved February 2, 1901, shall apply to each position vacated by officers below the grade of general officer detailed in the General Staff Corps. The Chief of Staff shall not serve as a member of any board of officers convened to select and recommend officers for detail in the General Staff Corps, and upon being relieved from duty as Chief of Staff by reason of expiration of tour, retirement, or other cause, the Chief of Staff shall revert to his permanent rank in the Regular Army.

SEC. 7. The Adjutant General's Department: The Adjutant General's Department shall consist of 1 Adjutant General, with the rank of brigadier general; 7 colonels; 13 lieutenant colonels; and 39 majors.

SEC. 8. The Inspector General's Department: The Inspector General's Department shall consist of 1 Inspector General, with the rank of brigadier general; 4 colonels; 8 lieutenant colonels; and 16 majors: *Provided*, That so much of the act approved June 23, 1874, as authorizes the detail of 4 officers of the line as acting inspectors general is hereby repealed.

SEC. 9. The Judge Advocate General's Department: The Judge Advocate General's Department shall consist of 1 Judge Advocate General, with the rank of brigadier general; 2 colonels; 6 lieutenant colonels; 12 majors; and 10 captains: *Provided*, That the duties of the Judge Advocate General's Department may include investigations necessary in the administration of military justice: *Provided further*, That acting judge advocates may be detailed under the provisions of existing law for separate brigades and for separate general court-martial jurisdictions, and when not immediately required for service with a geographical department, tactical division, separate brigade, or other separate general court-martial jurisdiction, acting judge advocates may be assigned to such other legal duty as the exigencies of the service may require.

SEC. 10. The Quartermaster Corps: The Quartermaster Corps shall consist of 1 Quartermaster General with the rank of major general, 2 assistants to the Quartermaster General with the rank of brigadier general, 17 colonels, 30 lieutenant colonels, 54 majors, 155 captains, and the pay clerks now authorized by law. The total enlisted strength of the Quartermaster Corps and the number in each grade shall be limited and fixed from time to time by the President, in accordance with the needs of the Army, and shall consist of quartermaster sergeants, senior grade; quartermaster sergeants; sergeants, first class; sergeants; corporals; cooks; privates, first class; and privates. The number in the various grades shall not exceed the following percentages of the total authorized enlisted strength of the Quartermaster Corps, namely: Quartermaster sergeants, senior grade, three-tenths of 1 per cent; quartermaster sergeants, 7 per cent; sergeants, first class, 10 per cent; sergeants, 15 per cent; corporals, 10 per cent. The number of privates, first class, shall not exceed 25 per cent of the number of privates: *Provided*, That the master electricians now authorized by law for the Quartermaster Corps shall hereafter be known as quartermaster sergeants, senior grade, and shall be included in the number of quartermaster sergeants, senior grade, herein authorized: *Provided further*, That when vacancies occur in the office of Quartermaster General and in the office of either of the assistants to the Quartermaster General, by retirement of the present incumbents or otherwise, such vacancies shall not be filled, but the offices in which the vacancies occur shall cease and determine; and the Quartermaster General shall thereafter have the rank of brigadier general.

SEC. 11. The Medical Department: The Medical Department shall consist of the Medical Corps, the Dental Corps, the Medical Reserve Corps, and the Nurse Corps. The Medical Corps shall consist of 1 Surgeon General, with the rank of major general, 20 colonels, 40 lieutenant colonels, 214 majors, 622 captains or first lieutenants, and the enlisted men herein provided: *Provided*, That persons hereafter commissioned in the Medical Corps shall be promoted to the grade of captain upon the completion of five years' service in the Medical Corps and upon passing the examinations prescribed by the President for promotion to the grade of captain in the Medical Corps: *Provided further*, That captains in the Medical Corps shall take rank in that grade according to total length of commissioned service in the Medical Corps and as assistant surgeons in the Regular Army, subject, however, to loss of files by reason of sentence of general court-martial or of failure to qualify on examination for promotion: *And provided further*, That when a vacancy occurs in the office of Surgeon General, by retirement of the present incumbent or otherwise, such vacancy shall not be filled and such office, in the grade of major general, shall cease and determine; and the Surgeon General shall thereafter have the rank of brigadier general: *And provided further*, That hereafter the Secretary of War is hereby authorized to detail not more than



three officers of the Medical Corps of the Army for duty with the military relief division of the American National Red Cross.

The Medical Reserve Corps and the Nurse Corps shall be as now provided by law. The Hospital Corps of the Army, as authorized and constituted by existing law, shall be designated and known as part of the Medical Corps of the Army. The total enlisted strength of the Medical Corps shall be limited and fixed from time to time by the President, in accordance with the needs of the Army, and shall consist of master hospital sergeants; hospital sergeants; sergeants, first class; sergeants; corporals; cooks; horseshoers; farriers; saddlers; mechanics; privates, first class; and privates. The numbers in the various grades shall not exceed the following percentages of the total authorized enlisted strength of the Medical Corps, namely: Master hospital sergeants, one-half of 1 per cent; hospital sergeants, one-half of 1 per cent; sergeants, first class, 7 per cent; sergeants, 11 per cent; corporals, 6 per cent. The number of cooks shall be limited and fixed from time to time by the Secretary of War. The number of horseshoers, farriers, saddlers, and mechanics shall be limited to one each for each regularly authorized field hospital company and one for each regularly authorized ambulance company. The number of privates, first class, shall not exceed 25 per cent of the number of privates.

The President is hereby authorized to appoint and commission, by and with the advice and consent of the Senate, dental surgeons at the rate of 1 for each 1,000 enlisted men of the line of the Army. Dental surgeons shall have the pay and allowances of first lieutenants until they have completed 10 years' service. Dental surgeons of more than 10 but less than 25 years' service shall, subject to such examination as the President may prescribe, have the pay and allowances of captains. Dental surgeons of more than 25 years' service shall, subject to such examination as the President may prescribe, have the pay and allowances of major: *Provided*, That the total number of dental surgeons with pay and allowances of major shall not at any time exceed 15: *And provided further*, That all laws relating to the examination of officers of the Medical Corps for promotion shall be applicable to dental surgeons.

Authority is hereby given to the Secretary of War to grant permission, by revocable license, to the American National Red Cross to erect and maintain on any military reservations within the jurisdiction of the United States buildings suitable for the storage of supplies, or to occupy for that purpose buildings erected by the United States, under such regulations as the Secretary of War may prescribe, such supplies to be available for the aid of the civilian population in case of serious national disaster.

Sec. 12. Corps of Engineers: The Corps of Engineers shall consist of 1 Chief of Engineers, with the rank of brigadier general; 23 colonels; 30 lieutenant colonels; 72 majors; 152 captains; 148 first lieutenants; 79 second lieutenants; and the enlisted men hereinafter enumerated. The Engineer troops of the Corps of Engineers shall consist of 1 band, 7 regiments, and 2 mounted battalions.

Each regiment of Engineers shall consist of 1 colonel; 1 lieutenant colonel; 2 majors; 11 captains; 12 first lieutenants; 6 second lieutenants; 2 master engineers, senior grade; 1 regimental sergeant major; 2 regimental supply sergeants; 2 color sergeants; 1 sergeant bugler; 1 cook; 1 wagoner for each authorized wagon of the field and combat train, and two battalions.

Each battalion of a regiment of Engineers shall consist of 1 major; 1 captain; 1 battalion sergeant major; 3 master engineers, junior grade; and three companies. Each Engineer company (regimental) shall consist of 1 captain; 2 first lieutenants; 1 second lieutenant; 1 first sergeant; 3 sergeants, first class; 1 mess sergeant; 1 supply sergeant; 1 stable sergeant; 6 sergeants; 12 corporals; 1 horseshoer; 2 buglers; 1 saddler; 2 cooks; 19 privates, first class; and 59 privates: *Provided*, That the President may, in his discretion, increase a regiment of Engineers by 2 master engineers, senior grade, and 2 sergeants; each battalion headquarters of a regiment of Engineers by 3 master engineers, junior grade; and each Engineer company (regimental) by 2 sergeants; 6 corporals; 1 cook; 12 privates, first class; and 34 privates.

The Engineer band shall consist of 1 band leader; 1 assistant band leader; 1 first sergeant; 2 band sergeants; 4 band corporals; 2 musicians, first class; 4 musicians, second class; 13 musicians, third class; and 2 cooks.

Each battalion of mounted Engineers shall consist of 1 major; 5 captains; 7 first lieutenants; 3 second lieutenants; 1 master engineer, senior grade; 1 battalion sergeant major; 1 battalion supply sergeant; 3 master engineers, junior grade; 1 corporal; 1 wagoner for each authorized wagon of the field and combat train; and 3 mounted companies. Each mounted Engineer company shall consist of 1 captain; 2 first lieutenants; 1 second lieutenant; 1 first sergeant; 2 sergeants, first class; 1 mess sergeant; 1 supply sergeant; 1 stable sergeant; 4 sergeants; 8 corporals; 2 horseshoers; 1 saddler; 2 cooks; 2 buglers; 12 privates, first class; and 37 privates: *Provided*, That the President may, in his discretion, increase the battalions of mounted Engineers by 1 master engineer, senior grade; 2 sergeants; and 3 master engineers, junior grade; and a mounted Engineer company by 2 sergeants; 3 corporals; 8 privates, first class; and 24 privates: *Provided further*, That appropriate officers to command the regiments, battalions, and companies herein authorized and for duty with and as staff officers of such organizations shall be detailed from the Corps of Engineers, and shall not be in excess of the numbers in each grade enumerated in this section. The enlisted force of the Corps of Engineers and the officers serving therewith shall constitute a part of the line of the Army.

Sec. 13. The Ordnance Department: The Ordnance Department shall consist of 1 Chief of Ordnance, with the rank of brigadier general; 6 colonels; 12 lieutenant colonels; 24 majors; 33 captains; 33 first lieutenants; the Ordnance sergeants as now authorized by law, and such other enlisted men of grades now authorized by law as the President may direct: *Provided*, That Ordnance sergeants shall be selected by the Secretary of War from the sergeants of the line or Ordnance Department who shall have served faithfully for eight years, including four years in the grade of noncommissioned officer: *Provided further*, That vacancies which may occur in the commissioned personnel of the Ordnance Department shall be subject to the provisions of sections 26 and 27 of the act approved February 2, 1901, the acts approved June 25, 1906, and February 24, 1915, and acts amendatory thereof relating to the Ordnance Department.

Sec. 14. The Signal Corps: The Signal Corps shall consist of 1 Chief Signal Officer, with the rank of brigadier general; 2 colonels; 9 lieutenant colonels; 15 majors; 40 captains; 101 first lieutenants; and the aviation section, which shall consist of 1 colonel, 1 lieutenant colonel, 8 majors, 24 captains, and 114 first lieutenants.

The total enlisted strength of the Signal Corps shall be limited and fixed from time to time by the President in accordance with the needs of the Army, and shall consist of master signal electricians; sergeants, first class; sergeants; corporals; cooks; horseshoers, private, first class; and privates: the number in each grade being fixed from time to time by the President. The numbers in the various grades shall not exceed the following percentages of the total authorized enlisted strength of the Signal Corps, namely: Master signal electricians, 2 per cent; sergeants, first class, 7 per cent; sergeants, 10 per cent; corporals, 20 per cent. The number of privates, first class, shall not exceed 25 per cent of the number of privates. Authority is hereby given the President to organize, in his discretion, such part of the commissioned and enlisted personnel of the Signal Corps into such number of companies, battalions, and aero squadrons as the necessities of the service may demand: *Provided*, That nothing in this act shall be construed to limit in any way the provisions of the act of July 18, 1914, affecting the aviation section of the Signal Corps.

Sec. 15. Bureau of Insular Affairs of the War Department: Nothing in this act shall be construed to repeal existing laws relating to the organization of the Bureau of Insular Affairs of the War Department.

Sec. 16. Chaplains: That the President is authorized to appoint, by and with the advice and consent of the Senate, chaplains in the Army at the rate of 1 for each regiment of Cavalry, Infantry, Field Artillery, and Engineers, and 1 for each 1,200 officers and men of the Coast Artillery Corps, with rank, pay, and allowances as now authorized by law.

Sec. 17. Veterinarians: The President is authorized to appoint, by and with the advice and consent of the Senate, veterinarians at the rate of 2 for each regiment of Cavalry, 1 for each battalion of Field Artillery and mounted Engineers, and 24 for the Quartermaster Corps. Veterinarians thus appointed shall have the pay and allowances of second lieutenants. Veterinarians who have served seven years as such shall, subject to such examinations as the President may prescribe, have the pay and allowances of first lieutenants. Veterinarians who have served more than 15 years as such shall, subject to such examinations as the President may prescribe, have the pay and allowances of captains. Veterinarians who have served more than 25 years as such shall, subject to such examinations as the President may prescribe, have the pay and allowances of majors: *Provided*, That the total number of veterinarians with pay and allowances of majors shall not at any time exceed 15: *And provided further*, That all laws relating to the examination of line officers for promotion shall be applicable to veterinarians.

Sec. 18. Vacancies in commissioned personnel due to details; how filled: Vacancies which may occur in the commissioned personnel of The Adjutant General's Department, the Judge Advocate General's Department, the Inspector General's Department, the Quartermaster Corps, the Signal Corps, and the Bureau of Insular Affairs of the War Department shall be subject to the provisions of sections 26 and 27 of the act of Congress approved February 2, 1901, and section 3 of the act of Congress approved August 24, 1912. When a vacancy occurs in the office of Chief of Coast Artillery, Adjutant General, Judge Advocate General, Inspector General, Quartermaster General, Surgeon General, Chief of Engineers, Chief of Ordnance, Chief Signal Officer, the President is authorized to appoint to such vacancy, by and with the advice and consent of the Senate, an officer not below the grade of colonel, selected from the arm, corps or department, or from general officers appointed from the arm, in which the vacancy exists, and hereafter whenever the number of officers holding permanent appointments in any staff corps or staff department of the Army, except the Quartermaster Corps, shall have been reduced below four and a vacancy shall occur in an office above the grade of colonel in said corps or department, any officer of the Army with rank above that of lieutenant colonel who shall have served creditably for not less than three years by detail in said corps or department under the provisions of section 26 of the act of Congress approved February 2, 1901, shall, in addition to officers otherwise eligible, be eligible for appointment to fill said vacancy. Officers so appointed shall serve for a period of four years, but, except in time of war, no such officer shall serve under such appointment or be paid as if upon the active list beyond the date of his retirement in accordance with existing law. The position vacated by an officer appointed Chief of Coast Artillery, Adjutant General, Judge Advocate General, Inspector General, Quartermaster General, Surgeon General, Chief of Engineers, Chief of Ordnance, or Chief Signal Officer shall be filled by promotion in that arm, corps, or department, but the officer who has been or who may be hereafter thus appointed shall continue in the same lineal position in his arm, corps, or department which he would have held if he had not been so appointed, and shall be an additional number in the grade from which he was appointed or to which he may be appointed: *Provided*, That no officer shall be eligible to a further detail as chief of an arm, corps, department, or bureau until he has served two years with the branch of the Army in which commissioned, except in an emergency or in time of war: *Provided further*, That when the number of colonels in any corps or department is less than six the chief of said corps or department may be detailed either from the colonels or lieutenant colonels: *And provided further*, That in time of war retired officers of the Army may be employed on active duty, in the discretion of the President, and when so employed they shall receive the full pay and allowances of their grade.

Sec. 19. Composition of Infantry units: Each regiment of Infantry shall consist of 1 colonel, 1 lieutenant colonel, 3 majors, 15 captains, 16 first lieutenants, 15 second lieutenants, 1 headquarters company, 1 machine-gun company, 1 supply company, and 12 Infantry companies organized into 3 battalions of 4 companies each.

Each battalion shall consist of 1 major, 1 first lieutenant, mounted (battalion adjutant), and 4 companies. Each Infantry company in battalion shall consist of 1 captain, 1 first lieutenant, 1 second lieutenant, 1 first sergeant, 1 mess sergeant, 1 supply sergeant, 6 sergeants, 11 corporals, 2 cooks, 2 buglers, 1 mechanic, 19 privates, first class, and 56 privates.

Each Infantry headquarters company shall consist of 1 captain, mounted (regimental adjutant); 1 regimental sergeant major, mounted; 3 battalion sergeants major, mounted; 1 first sergeant (drum major); 2 color sergeants; 1 mess sergeant; 1 supply sergeant; 1 stable sergeant; 1 sergeant; 2 cooks; 1 horseshoer; 1 band leader; 1 assistant band leader; 1 sergeant bugler; 2 band sergeants; 4 band corporals; 2 musicians, first class; 4 musicians, second class; 13 musicians, third class; 4 privates, first class, mounted; and 12 privates, mounted.

Each Infantry machine-gun company shall consist of 1 captain, mounted; 1 first lieutenant, mounted; 2 second lieutenants, mounted; 1 first sergeant, mounted; 1 mess sergeant; 1 supply sergeant, mounted;



1 stable sergeant, mounted; 1 horseshoer; 5 sergeants; 6 corporals; 2 cooks; 2 buglers; 1 mechanic; 8 privates (first class); and 24 privates.

Each Infantry supply company shall consist of 1 captain, mounted; 1 second lieutenant, mounted; 3 regimental supply sergeants, mounted; 1 first sergeant, mounted; 1 mess sergeant; 1 stable sergeant; 1 corporal, mounted; 1 cook; 1 saddler; 1 horseshoer; and 1 wagoner for each authorized wagon of the field and combat train: *Provided*, That the President may in his discretion increase a company of Infantry by two sergeants, 6 corporals, 1 cook, 1 mechanic, 9 privates, first class, and 31 privates; an Infantry machine-gun company by 2 sergeants, 2 corporals, 1 mechanic, 4 privates (first class), and 12 privates.

The commissioned officers required for the Infantry headquarters, supply, and machine-gun companies and for the companies organized into battalions shall be assigned from those hereinbefore authorized.

Sec. 20. Composition of Cavalry units: Each regiment of Cavalry shall consist of 1 colonel, 1 lieutenant colonel, 3 majors, 15 captains, 16 first lieutenants, 16 second lieutenants, 1 headquarters troop, 1 machine-gun troop, 1 supply troop, and 12 troops organized into three squadrons of four troops each.

Each squadron shall consist of 1 major, 1 first lieutenant (squadron adjutant), and 4 troops. Each troop in squadron shall consist of 1 captain, 1 first lieutenant, 1 second lieutenant, 1 first sergeant, 1 mess sergeant, 1 supply sergeant, 1 stable sergeant, 5 sergeants, 8 corporals, 2 cooks, 2 horseshoers, 1 saddler, 2 buglers, 10 privates (first class), and 36 privates.

Each headquarters troop shall consist of 1 captain (regimental adjutant), one regimental sergeant major, 3 squadron sergeants major, 1 first sergeant (drum major), 2 color sergeants, 1 mess sergeant, 1 supply sergeant, 1 stable sergeant, 1 sergeant, 2 cooks, 1 horseshoer, 1 saddler, 2 privates (first class), and 9 privates, 1 band leader, 1 assistant band leader, 1 sergeant bugler, 2 band sergeants, 4 band corporals, 2 musicians (first class), 4 musicians (second class), and 13 musicians (third class).

Each machine-gun troop shall consist of 1 captain, 1 first lieutenant, 2 second lieutenants, 1 first sergeant, 1 mess sergeant, 1 supply sergeant, 1 stable sergeant, 2 horseshoers, 5 sergeants, 6 corporals, 2 cooks, 1 mechanic, 1 saddler, 2 buglers, 12 privates (first class), and 35 privates.

Each supply troop shall consist of 1 captain (regimental supply officer), 2 second lieutenants, 3 regimental supply sergeants, 1 first sergeant, 1 mess sergeant, 1 stable sergeant, 1 corporal, 1 cook, 1 horseshoer, 1 saddler, and 1 wagoner for each authorized wagon of the field and combat train: *Provided*, That the President may, in his discretion, increase each troop of Cavalry by 10 privates (first class) and 25 privates; the headquarters troop by 2 sergeants, 5 corporals, 1 horseshoer, 5 privates (first class), and 18 privates; each machine-gun troop by 3 sergeants, 2 corporals, 1 mechanic, 1 private (first class), and 14 privates; each supply troop by 1 corporal, 1 cook, 1 saddler, and 1 horseshoer.

The commissioned officers required for the Cavalry headquarters, supply, and machine-gun troops, and for the troops organized into squadrons, shall be assigned from those hereinbefore authorized.

Sec. 21. Composition of Field Artillery units: The Field Artillery, including mountain artillery, light artillery, horse artillery, heavy artillery (field and siege types), shall consist of 126 gun or howitzer batteries organized into 21 regiments.

In time of actual or threatened hostilities the President is authorized to organize such number of ammunition batteries and battalions, depot batteries and battalions, and such artillery parks with such numbers and grades of personnel and such organizations as he may deem necessary. The officers necessary for such organization shall be supplied from the Officers' Reserve Corps provided by this act and by temporary appointment as authorized by section 8 of the act of Congress approved April 25, 1914. The enlisted men necessary for such organizations shall be supplied from the Regular Army reserve provided by this act or from the Regular Army.

Each regiment of Field Artillery shall consist of 1 colonel, 1 lieutenant colonel, 1 captain, 1 headquarters company, 1 supply company, and such number of gun and howitzer battalions as the President may direct. Nothing shall prevent the assembling, in the same regiment, of gun and howitzer battalions of different calibers and classes.

Each gun or howitzer battery shall consist of 1 captain, 2 first lieutenants, 2 second lieutenants, 1 first sergeant, 1 supply sergeant, 1 stable sergeant, 1 mess sergeant, 6 sergeants, 13 corporals, 1 chief mechanic, 1 saddler, 2 horseshoers, 1 mechanic, 2 buglers, 3 cooks, 22 privates (first class), and 71 privates. When no enlisted men of the Quartermaster Corps are attached for such positions there shall be added to each battery of mountain artillery 1 packmaster (sergeant, first class), one assistant packmaster (sergeant), and one cargador (corporal).

Each headquarters company of a regiment of two battalions shall consist of 1 captain, 1 first lieutenant, 1 regimental sergeant major, 2 battalion sergeants major, 1 first sergeant, 2 color sergeants, 1 mess sergeant, 1 supply sergeant, 1 stable sergeant, 2 sergeants, 9 corporals, 1 horseshoer, 1 saddler, 1 mechanic, 3 buglers, 2 cooks, 5 privates (first class), 15 privates, 1 band leader, 1 assistant band leader, 1 sergeant bugler, 2 band sergeants, 4 band corporals, 2 musicians first class, 4 musicians second class, and 13 musicians third class. That when a regiment consists of three battalions there shall be added to the headquarters company 1 battalion sergeant major, 1 sergeant, 3 corporals, 1 bugler, 1 private (first class), and 5 privates. When no enlisted men of the Quartermaster Corps are attached for such positions, there shall be added to each mountain artillery headquarters company 1 packmaster (sergeant, first class), 1 assistant packmaster (sergeant), and 1 cargador (corporal).

Each supply company of a regiment of two battalions shall consist of 1 captain, 1 first lieutenant, 2 regimental supply sergeants, 1 first sergeant, 1 mess sergeant, 1 corporal, 1 cook, 1 horseshoer, 1 saddler, 2 privates, and 1 wagoner for each authorized wagon of the field train. When a regiment consists of three battalions there shall be added to the supply company 1 second lieutenant, 1 regimental supply sergeant, 1 private, and 1 wagoner for each additional authorized wagon of the field train.

Each gun or howitzer battalion shall consist of 1 major, 1 captain, and batteries as follows: Mountain artillery battalions and light artillery gun or howitzer battalions serving with the field artillery of Infantry divisions shall contain 3 batteries; horse artillery battalions and heavy field artillery gun or howitzer battalions shall contain 2 batteries: *Provided*, That the President may, in his discretion, increase the headquarters company of a regiment of two battalions by 2 sergeants, 5 corporals, 1 horseshoer, 1 mechanic, 1 private (first class), and 6 privates; the headquarters company of a regiment of three battalions by 1 sergeant, 7 corporals, 1 horseshoer, 1 mechanic, 2

cooks, 2 privates (first class), and 7 privates; the supply company of a regiment of two battalions by 1 corporal, 1 cook, 1 horseshoer, and 1 saddler; the supply company for a regiment of three battalions by 1 corporal, 1 cook, 1 horseshoer, and 1 saddler; a gun or howitzer battery by 3 sergeants, 7 corporals, 1 horseshoer, 2 mechanics, 1 bugler, 13 privates (first class), and 37 privates.

Sec. 22. Coast Artillery Corps: The Coast Artillery Corps shall consist of 1 Chief of Coast Artillery, with the rank of brigadier general; 24 colonels; 24 lieutenant colonels; 72 majors; 360 captains; 360 first lieutenants; 360 second lieutenants; 31 sergeants major, senior grade; 64 sergeants major, junior grade; 41 master electricians; 72 engineers; 99 electrician sergeants, first class; 275 assistant engineers; 99 electrician sergeants, second class; 106 firemen; 98 radio sergeants; 62 master gunners; 263 first sergeants; 263 supply sergeants; 263 mess sergeants; 1,784 sergeants; 2,516 corporals; 526 cooks; 526 mechanics; 526 buglers; 4,186 privates, first class; 12,562 privates; and 18 bands, organized as hereinbefore provided for the Engineer band. The rated men of the Coast Artillery Corps shall consist of casemate electricians; observers, first class; plotters; chief planters; coxswains; chief loaders; observers, second class; gun commanders and gun pointers. The total number of rated men shall not exceed 1,784. Coxswains shall receive \$9 per month in addition to the pay of their grade: *Provided*, That the President may, in his discretion, increase the number of sergeants to 2,104, the number of corporals to 3,156, the number of privates, first class, to 5,225, and the number of privates to 15,675.

Sec. 23. Porto Rico Regiment of Infantry: The Porto Rico Regiment of Infantry shall be organized as provided herein for regiments of Infantry of the Regular Army.

The colonel and the lieutenant colonel of said regiment shall be detailed for four years by the President from officers of the Regular Army not below the rank of major, and the majors for like periods and from officers of the Regular Army not below the rank of captain, and, while so serving, officers so detailed shall have the rank, pay, and allowances of the grades to which they are detailed. The captains, first lieutenants, and second lieutenants shall be appointed and promoted, up to and including the rank of captain, as now provided by law, and nothing in this act shall be held or construed so as to deprive any officer of the Porto Rico regiment of the commission which he now holds therein, or of any right thereunder: *Provided*, That officers of the Porto Rico Regiment of Infantry promoted to the grade of captain since March 4, 1915, or hereafter so promoted, shall take rank on the relative list after all captains of said regiment who have been recommissioned as captains of Infantry.

All men enlisted in said regiment shall be citizens of Porto Rico, and hereafter all enlistments therein shall be as provided by this act for the Regular Army.

The pay and allowances of officers and enlisted men shall be the same as are provided by law for officers and enlisted men of like grades in the Regular Army.

The Porto Rico Regiment of Infantry, or organizations thereof, may be ordered for service outside of the island of Porto Rico, and the captains and lieutenants thereof shall be available for such detached service as the Secretary of War may direct; but vacancies created by officers so detached shall not be filled by promotions or appointments.

Sec. 24. All existing laws pertaining to or affecting the United States Military Academy and civilian or military personnel on duty thereat in any capacity whatever, the officers and enlisted men on the retired list, the detached and additional officers under the act of Congress approved March 3, 1911, recruiting parties, recruit depots and unassigned recruits, service-school detachments, United States disciplinary barracks guards, disciplinary organizations, the Philippine Scouts, and Indian scouts shall continue and remain in force except as herein specifically provided otherwise.

Sec. 25. Original appointments to be provisional: Original appointments in the Regular Army, except of cadets graduated from the United States Military Academy, shall be provisional for a period of two years, at the close of which period such appointment shall be made permanent, provided the provisional appointee shall have demonstrated under such regulations as the President may prescribe his physical, moral, and professional fitness for such permanent appointment. Should any officer holding a provisional appointment become eligible for promotion, and qualify therefor, before expiration of the period of two years from the date of his original appointment, he shall receive only a provisional appointment in such higher grade until he has qualified for permanent appointment, as prescribed above. Should any officer holding a provisional appointment fail to establish his physical, moral, and professional fitness for permanent appointment, as prescribed above, he shall be honorably discharged at or before the expiration of two years from the date of his original appointment, with six months' pay of his grade at date of discharge.

Sec. 26. Increase to be made in five increments: The increase in the commissioned and enlisted personnel of the Regular Army provided by this act shall be made in five annual increments, each of which shall be, in each grade of each arm, corps, department, and the detached officers, as nearly as practicable, one-fifth of the total increase authorized for each arm, corps, and department, and of the detached officers. Officers promoted to vacancies created or caused by the addition of the first increment shall be promoted to rank from July 1, 1916, and those promoted to vacancies created or caused by the second increment shall be promoted to rank from July 1, 1917; those promoted to vacancies created or caused by the addition of the third increment shall be promoted to rank from July 1, 1918; those promoted to vacancies created or caused by the addition of the fourth increment shall be promoted to rank from July 1, 1919; and those promoted to vacancies created or caused by the addition of the fifth increment shall be promoted to rank from July 1, 1920: *Provided*, That in the event of actual or threatened war or similar emergency in which the public safety demands it, the President is authorized to immediately organize the entire increase authorized by this act, or so much thereof as he may deem necessary.

Vacancies in the grade of second lieutenant occurring in any fiscal year shall be filled in the following order: First, from cadets graduated from the United States Military Academy; second, under the provisions of existing law, from enlisted men whose fitness for promotion shall have been determined by competitive examination; third, from members of the Officers' Reserve Corps hereinafter provided for between the ages of 21 and 27 years; fourth, from candidates from civil life between the ages of 21 and 27 years. The President is authorized to make the necessary rules and regulations to carry these provisions into effect: *Provided*, That appointments to the Corps of Engineers shall continue to be made as now provided by law, but that officers of the Army or Navy of the United States may become candidates for said appointments under the provisions of section 5 of the act approved February 27, 1911, without previously vacating their commissions as officers and



without previously establishing eligibility for appointment as junior engineer under the Engineer Bureau of the War Department: *Provided further*, That the provisions of existing law requiring examinations to determine fitness for promotion of officers of the Army are hereby extended to include all grades below that of brigadier general: *And provided further*, That examinations of officers in the grades of major and lieutenant colonel shall be confined to problems involving the higher functions of staff duties and command.

SEC. 27. The detached officers: Line officers detached for duty with the National Guard, together with those detached from their proper commands under the provisions of law for other duty the usual period of which exceeds one year, shall be subject to the provisions of section 27 of the act approved February 2, 1901, with reference to details to the Staff Corps, but the total number of detached officers hereby made subject to these provisions shall not exceed 19 colonels, 23 lieutenant colonels, 165 majors, 389 captains, 426 first lieutenants, including 200 detached officers authorized by the act approved March 3, 1911.

SEC. 28. Retirement of officers of Philippine Scouts: Captains and lieutenants of Philippine Scouts who are citizens of the United States shall hereafter be entitled to retirement under the laws governing the retirement of enlisted men of the Regular Army, except that they shall be retired in the grade held by them at the date of retirement, shall be entitled to retirement for disability under the same conditions as officers of the Regular Army, and that they shall receive, as retired pay, the amounts allowed by law, as retired pay and allowances, of master signal electricians of the United States Army, and no more: *Provided*, That double time for service beyond the continental limits of the United States shall not be counted for the purposes of this section so as to reduce the actual period of service below 25 years: *Provided further*, That former officers of the Philippine Scouts who, because of disability occasioned by wounds received in action, have resigned or been discharged from the service, or who have heretofore served as such for a period of more than five years and have been retired as enlisted men, shall be placed upon the retired list as officers of Philippine Scouts and thereafter receive the retired pay and allowances provided by this section for other officers of Philippine Scouts: *And provided further*, That any former officer of Philippine Scouts who vacated his office in the Philippine Scouts by discharge or resignation on account of disability contracted in the line of duty and who was subsequently retired as an enlisted man, and any former officer of Philippine Scouts who has been retired as an enlisted man by special act of Congress, shall be transferred to the retired list created by this section, and shall thereafter receive the retired pay and allowances authorized by this section, and no more. Officers of Philippine Scouts retired under the provisions of this section shall not form part of the limited retired list now authorized by law.

SEC. 29. Enlistments in the Regular Army: On and after the 1st day of July, 1916, all enlistments in the Regular Army shall be for a term of seven years, the first four years to be in the active service with a branch of which those enlisted form a part and, except as otherwise provided herein, the last three years in the Regular Army reserve hereinafter provided for. After the expiration of two years' service in a first or subsequent enlistment, enlisted men serving within the continental limits of the United States shall, except in time of actual or threatened hostilities, upon their own applications, be furloughed to the Regular Army reserve in the grade in which then serving, or may, in the discretion of the Secretary of War, be reenlisted for a period of seven years: *Provided*, That after the expiration of one year's honorable service any enlisted man serving within the continental limits of the United States whose company, troop, battery, or detachment commander shall report him as proficient and sufficiently trained may, in the discretion of the Secretary of War, be furloughed to the Regular Army reserve under such regulations as the Secretary of War may prescribe, but no man furloughed to the reserve shall be eligible to reenlist in the service until the expiration of his term of seven years: *Provided further*, That in all enlistments hereafter accomplished under the provisions of this act four years shall be counted as an enlistment period in computing continuous-service pay: *And provided further*, That whenever, in his opinion, the interests of the service require it, the President is hereby authorized to establish, in time of peace, recruit rendezvous and depots for the Regular Army, in part or in whole, as provided by section 10 of the act approved April 25, 1914, to provide for raising the Volunteer forces of the United States in time of actual or threatened war: *And provided further*, That the President is authorized to utilize the services of postmasters of the second, third, and fourth classes in procuring the enlistment of recruits for the Army, and for each accepted recruit the postmaster procuring his enlistment shall receive the sum of \$5. Postmasters may be authorized, under such regulations as the President may prescribe, to forward, at the expense of the United States, to designated recruit rendezvous such applicants for enlistment as may have satisfactorily passed a preliminary physical examination prescribed by the Secretary of War and conducted by an officer of the Medical Reserve Corps or a civilian physician designated for that duty by the Secretary of War; and for each accepted recruit examined by them officers of the Medical Reserve Corps and civilian physicians designated for the duty of examining applicants for enlistment shall receive the sum of \$3.

SEC. 30. Pay of certain enlisted men in first enlistment: Hereafter the monthly pay of enlisted men of certain grades of the Army created in this act, during first enlistment, shall be as follows, namely: Quartermaster sergeant, senior grade, Quartermaster Corps; master hospital sergeant, Medical Corps; master engineer, senior grade, Corps of Engineers; and band leader, Infantry, Cavalry, Artillery, and Corps of Engineers, \$75; hospital sergeant, Medical Corps; and master engineer, junior grade, Corps of Engineers, \$65; sergeant, first class, Corps of Engineers; regimental supply sergeant, Infantry, Cavalry, Field Artillery, and Corps of Engineers; battalion supply sergeant, Corps of Engineers; and assistant engineer, Coast Artillery Corps, \$45; assistant band leader, Infantry, Cavalry, Artillery, and Corps of Engineers; and sergeant bugler, Infantry, Cavalry, Artillery, and Corps of Engineers, \$40; musician, first class, Infantry, Cavalry, Artillery, and Corps of Engineers, \$36; supply sergeant, Infantry and Cavalry, Artillery, and Corps of Engineers; mess sergeant, Infantry, Cavalry, Artillery, and Corps of Engineers; cook, Medical Corps; horseshoer, Infantry, Cavalry, Artillery, Corps of Engineers, Signal Corps, and Medical Corps; stable sergeant, Infantry, Cavalry, and Corps of Engineers; radio sergeant, Coast Artillery Corps; and musicians, second class, Infantry, Cavalry, Artillery, and Corps of Engineers, \$30; musician, third class, Infantry, Cavalry, Artillery, and Corps of Engineers, \$24; saddler, Infantry, Cavalry, Field Artillery, Corps of Engineers, and Medical Corps; mechanic, Infantry, Cavalry, and Field Artillery, and Medical Corps; and wagoner, Infantry, Field Artillery, and Corps of Engineers, \$21; private, first class, Infantry, Cavalry, and Artillery, \$18; bugler, \$15. Nothing

herein contained shall operate to reduce the pay or allowances now authorized by law for any grade of enlisted men of the Army.

SEC. 31. Final discharge of enlisted men: No enlisted man in the Regular Army shall receive his final discharge until the termination of his seven-year term of enlistment except upon reenlistment, as provided for in this act or as provided by law for discharge prior to expiration of term of enlistment, but when an enlisted man is furloughed to the Regular Army reserve his accounts shall be closed, and he shall be paid in full to the date such furlough becomes effective, including transportation in kind and subsistence as now provided by law for discharged soldiers: *Provided*, That when by reason of death or disability of a member of the family of an enlisted man occurring after his enlistment members of his family become dependent upon him for support, he may, in the discretion of the Secretary of War, be discharged from the service of the United States or be furloughed to the Regular Army reserve, upon due proof being made of such condition.

SEC. 32. Composition of the Regular Army reserve: The Regular Army reserve shall consist of first, all enlisted men now in the Army reserve or who shall hereafter become members of the Army reserve under the provisions of existing law; second, all enlisted men furloughed to or enlisted in the Regular Army reserve under the provisions of this act; third, any person holding an honorable discharge from the Regular Army with character reported at least good who is physically qualified for the duties of a soldier and not over 45 years of age who enlists in the Regular Army reserve for a period of four years; and, fourth, any person who is a citizen of the United States or who has declared his intention of becoming a citizen thereof, who, by the nature of his civil occupation or profession, is qualified for duty in the Quartermaster, Engineer, or Signal Corps, or in the Medical or Ordnance Departments, and who is physically qualified for the duties of a soldier and is between 18 and 45 years of age, who enlists in the Regular Army reserve for one of said corps or departments for a period of four years.

SEC. 33. That the President is authorized to assign members of the Regular Army reserve as reserves to particular organizations of the Regular Army, or to organize the Regular Army reserve, or any part thereof, into units or detachments of any arm, corps, or department in such manner as he may prescribe, and to assign to such units and detachments officers of the Regular Army or of the Officers' Reserve Corps herein provided for; and in the event of actual or threatened hostilities he may mobilize the Regular Army reserve in such manner as he may determine, and thereafter retain it, or any part thereof, in active service for such period as he may determine the conditions demand: *Provided*, That all enlistments in the Regular Army, including those in the Regular Army reserve, which are in force on the date of the outbreak of war shall continue in force for one year, unless sooner terminated by order of the Secretary of War, but nothing herein shall be construed to shorten the time of enlistment prescribed: *Provided further*, That subject to such regulations as the President may prescribe for their proper identification and location, the members of the Regular Army reserve found physically fit for service shall be paid semiannually and at the rate of \$24 a year while in the reserve.

SEC. 34. Regular Army reserve in time of war: When mobilized by order of the President the members of the Regular Army reserve shall, so long as they may remain in active service, receive the pay and allowances of enlisted men of the Regular Army of like grades: *Provided*, That any enlisted man who shall have reenlisted in the Regular Army reserve shall receive during such active service the additional pay now provided by law for enlisted men in his arm of the service in the second enlistment period: *Provided further*, That members of the Regular Army reserve shall receive the actual necessary cost of transportation and subsistence from their homes to the places at which they may be ordered to report for duty: *And provided further*, That service in the Regular Army reserve shall confer no right to retirement or retired pay, and members of the Regular Army reserve shall become entitled to pension only through disability incurred while on active duty in the service of the United States.

SEC. 35. Use of other departments of the Government: The President may, subject to such rules and regulations as in his judgment may be necessary, utilize the services of members and employees of all departments of the Government of the United States, without expense to the individual reservist, for keeping in touch with, paying, and mobilizing the Regular Army reserve.

SEC. 36. Reenlistment in time of war: For the purpose of utilizing as an auxiliary to the Regular Army reserve the services of men who have had experience and training in the Regular Army, the President may, in time of actual or threatened hostilities, by proclamation or otherwise, call upon honorably discharged soldiers of the Regular Army to present themselves for reenlistment therein; and any person who shall have been honorably discharged from said Army, with character reported as at least good, and who, having been found physically qualified for the duties of a soldier, is not over 50 years of age, shall reenlist in said Army, under such rules and regulations as the President may prescribe, shall receive on so reenlisting a payment for having kept himself fit for service, which shall be computed at the rate of \$20 for each year that shall have elapsed since his last final discharge from the Regular Army and the date of his reenlistment therein under the terms of said call; but no such payment in excess of \$200 shall be paid to any person under the terms of this section.

SEC. 37. Preference in the civil service: All enlisted men who have completed six years' service in the Regular Army with the colors, and who desire to enter the civil service, may be examined, under such regulations as the President may prescribe, by boards of not less than three commissioned officers, to be appointed by their respective commanding officers, and said boards shall certify as to the character of employment for which each applicant is recommended, and upon such recommendation and without further examination under civil-service rules, certified applicants shall be appointed to any vacancies existing or occurring within or under the jurisdiction of the War Department or the Secretary of War that may not be filled by promotion within the service in which the vacancy exists. In event of there being no vacancies under the War Department, the President may, in his discretion, direct the appointment of such certified enlisted applicants to vacancies under any other department of the classes for which recommended: *Provided*, That such civil employment shall not terminate any existing obligation as to service in the Regular Army reserve.

SEC. 38. Sergeants for duty with the National Guard: For the purpose of assisting in the instruction of the personnel and care of property in the hands of the National Guard the Secretary of War is authorized to detail from the Infantry, Cavalry, Field Artillery, Corps of Engineers, Coast Artillery Corps, Medical Corps, and Signal Corps of the Regular Army not to exceed 1,000 sergeants for duty with corresponding organizations of the National Guard and not to exceed 100



sergeants for duty with the disciplinary organizations at the United States disciplinary barracks, who shall be additional to the sergeants authorized by this act for the corps, companies, troops, batteries, and detachments from which they may be detailed.

SEC. 39. The Officers' Reserve Corps: For the purpose of securing a reserve of officers available for service as temporary officers in the Regular Army as provided for in this act and in section 8 of the act approved April 25, 1914, as officers for recruit rendezvous and depots, and as officers of volunteers, there shall be organized, under such rules and regulations as the President may prescribe, not inconsistent with the provisions of this act, an Officers' Reserve Corps of the Army of the United States. Except as otherwise herein provided, a member of the Officers' Reserve Corps shall be subject to call for service only in event of actual or threatened war, and whenever called upon for service shall not, without his consent, be so called in a lower grade than that held by him in said reserve corps.

The President of the United States is authorized to appoint and commission, by and with the advice and consent of the Senate, reserve officers in all grades up to and including the grade of major, from citizens of the United States who, upon examination prescribed by the Secretary of War, are found physically, professionally, and morally qualified to hold such commission, the persons so commissioned to constitute and be known as the reserve corps of the several arms, corps, or departments in which commissioned by the President: *Provided*, That the proportion of reserve officers in any arm, corps, or department of the Officers' Reserve Corps shall not exceed the proportion for the same grade in the same arm, corps, or department of the Regular Army, except that the number commissioned in the lowest authorized grade in any arm, corps, or department of the officers' reserve corps shall not be limited.

All persons now carried as duly qualified and registered, pursuant to section 23 of the act of Congress approved January 21, 1903, and all officers of the Medical Reserve Corps shall, for a period of three years after the passage of this act, be eligible for appointment in the Officers' Reserve Corps in the arm, corps, or department for which they shall have been found qualified without further examination, except the physical examination, subject to the limitations as to rank herein prescribed.

Commissions duly issued by the President to officers of the Officers' Reserve Corps shall be in force for a period of five years unless terminated in the discretion of the President; such officers may be re-commissioned either in the same or higher grade for consecutive periods of five years, subject to such examinations and qualifications as the President may prescribe: *Provided*, That officers of the officers' reserve corps shall have rank therein in the various arms, corps, and departments of said reserve corps according to grades and to length of service in their respective grades, and when employed in active service shall take rank next after all officers of the same grades in the Regular Army.

SEC. 40. The Officers' Reserve Corps in war: In time of actual or threatened war the Secretary of War may order officers of the Officers' Reserve Corps, subject to such subsequent physical examinations as he may prescribe, to temporary duty with the Regular Army in grades thereof which can not, for the time being, be filled by promotion, as officers in volunteer organizations, and officers of recruit rendezvous and depots, in such numbers as may be authorized by law. While such reserve officers are on such service they shall be entitled to the pay and allowances of the corresponding grades in the Regular Army, with increase of pay for length of service as now allowed by law for officers in the Regular Army, their active service alone being considered, from the date upon which they are required by the terms of their order to obey the same.

SEC. 41. Instruction of officers of the Officers' Reserve Corps: To the extent provided for from time to time by appropriations the Secretary of War is authorized to order reserve officers to duty with troops or at field exercises, for periods not to exceed two weeks in any one calendar year, and while so serving such officer shall receive the pay and allowances of their grade: *Provided*, That with the consent of such officers the Secretary of War is authorized to prolong this period or to order them for duty on boards, or for consultation or advice, or for other temporary duty, to the extent justified by the amount appropriated and the public needs: *Provided further*, That in time of actual or threatened hostilities after all officers of the Officers' Reserve Corps of any arm, corps, or department have been ordered into active service, officers of Volunteers may be appointed in such arm, corps, or department in such numbers and grades as may be necessary: *And provided further*, That nothing herein shall operate to prevent the appointment of any officer of the Regular Army as an officer of Volunteers before all the officers of the Officers' Reserve Corps have been ordered into active service: *And provided further*, That in determining the relative rank and the right to retirement of an officer of the Regular Army, active duty performed by him under the provisions of this section while serving in the Officers' Reserve Corps shall not be reckoned.

SEC. 42. The Reserve Officers' Training Corps: The President is hereby authorized to establish and maintain in civil educational institutions a Reserve Officers' Training Corps, which shall consist of a senior division organized at universities and colleges requiring four years of collegiate study for a degree, including those State institutions that are required to provide instruction in military tactics under the provisions of the act of Congress of July 2, 1862, donating lands for the establishment of colleges where the object shall be practical instruction in agriculture and the mechanic arts, including military tactics, and a junior division organized at all other public or private educational institutions, and each division shall consist of units of the several arms or corps in such number and of such strength as the President may prescribe.

SEC. 43. The President may, upon the application of any State institution described in section 42 of this act, establish and maintain at such institution one or more units of the Reserve Officers' Training Corps: *Provided*, That no such unit shall be established or maintained at any such institution at which an officer of the Army is not detailed as professor of military science and tactics or at any such institution which does not maintain under military instruction at least 100 physically fit male students.

SEC. 44. The President may, upon the application of any established educational institution in the United States other than a State institution described in section 42 of this act, the authorities of which agree to establish and maintain a two years' elective or compulsory course of military training as a minimum for its physically fit male students, which course when entered upon by any student shall, as regards such student, be a prerequisite for graduation, establish and maintain at such institution one or more units of the Reserve Officers' Training Corps: *Provided*, That no such unit shall be established or maintained

at any such institution at which an officer of the Army is not detailed as professor of military science and tactics, or at any such institution which does not maintain under military instruction at least 100 physically fit male students.

SEC. 45. The Secretary of War is hereby authorized to prescribe standard courses of theoretical and practical military training for units of the Reserve Officers' Training Corps, and no unit of the senior division shall be organized or maintained at any educational institution the authorities of which fail or neglect to adopt into their curriculum the prescribed courses of military training for the senior division or to devote at least an average of five hours per week per academic year to such military training; and no unit of the junior division shall be organized or maintained at any educational institution the authorities of which fail or neglect to adopt into their curriculum the prescribed courses of military training for the junior division, or to devote at least an average of three hours per week per academic year to such military training.

SEC. 46. Eligibility to membership in the Reserve Officers' Training Corps shall be limited to students of institutions in which units of such corps may be established who are citizens of the United States, who are over 13 years of age, and whose bodily condition indicates that they are physically fit to perform military duty or will be so upon arrival at military age.

SEC. 47. The President is hereby authorized to detail such numbers of officers of the Army, either active or retired, not above the grade of colonel, as may be necessary, for duty as professors and assistant professors of military science and tactics at institutions where one or more units of the reserve officers' training corps are maintained; but the total number of active officers so detailed at educational institutions shall not exceed 300, and no active officer shall be so detailed who has not had five years' commissioned service in the Army. In time of peace retired officers shall not be detailed under the provisions of this section without their consent. Retired officers below the grade of lieutenant colonel so detailed shall receive the full pay and allowances of their grade, and retired officers above the grade of major so detailed shall receive the same pay and allowances as a retired major would receive under a like detail. No detail under the provisions of this section shall extend for more than four years.

SEC. 48. The President is hereby authorized to detail for duty at institutions where one or more units of the Reserve Officers' Training Corps are maintained such number of enlisted men, either active or retired or of the Regular Army Reserve, as he may deem necessary, but the number of active noncommissioned officers so detailed shall not exceed 500, and all active noncommissioned officers so detailed shall be additional in their respective grades to those otherwise authorized for the Army. Retired enlisted men or members of the Regular Army Reserve shall not be detailed under the provisions of this section without their consent. While so detailed they shall receive active pay and allowances.

SEC. 49. The Secretary of War, under such regulations as he may prescribe, is hereby authorized to issue to institutions at which one or more units of the Reserve Officers' Training Corps are maintained such public animals, arms, uniforms, equipment, and means of transportation as he may deem necessary, and to forage at the expense of the United States public animals so issued. He shall require from each institution to which property of the United States is issued a bond in the value of the property issued for the care and safe-keeping thereof, and for its return when required.

SEC. 50. Student camps: The Secretary of War is hereby authorized to maintain camps for the further practical instruction of the members of the Reserve Officers' Training Corps, no such camps to be maintained for a period longer than six weeks, except in time of actual or threatened war; to transport members of such corps to and from such camps at the expense of the United States so far as appropriations will permit; to subsist them at the expense of the United States while traveling to and from such camps and while remaining therein so far as appropriations will permit; to use the Regular Army and such Government property as he may deem necessary for the military training of the members of such corps while in attendance at such camps; to prescribe regulations for the government of such corps; and to authorize, in his discretion, the formation of company units thereof into battalion and regimental units.

SEC. 51. The President alone, under such regulations as he may prescribe, is hereby authorized to appoint as a reserve officer any graduate of the senior division of the Reserve Officers' Training Corps, or any graduate of the junior division who shall have satisfactorily completed the courses of military training prescribed for the senior division and participated in such practical instruction subsequent to graduation as the Secretary of War shall prescribe, and who shall have arrived at the age of 21 years and who shall agree, under oath in writing, to serve the United States in the capacity of a reserve officer of the Army during a period of at least 10 years from the date of his appointment as such reserve officer, unless sooner discharged by proper authority; but the total number of reserve officers so appointed shall not exceed 50,000: *Provided*, That any graduate of the senior division of the Reserve Officers' Training Corps undergoing a postgraduate course at any institution shall not be eligible for appointment as a reserve officer while undergoing such postgraduate course, but his ultimate eligibility upon completion of such postgraduate course for such appointment shall not be affected because of his having undergone such postgraduate course.

SEC. 52. When any member of the senior division of the Reserve Officers' Training Corps has completed two academic years of service in that division, and has been selected for further training by the president of the institution and by its professor of military science and tactics, and has agreed in writing to continue in the Reserve Officers' Training Corps for the remainder of his course in the institution, including such camp training as shall be prescribed by the Secretary of War, he may be furnished, at the expense of the United States, with commutation of subsistence at such rate, not exceeding the cost of the garrison ration prescribed for the Army, as may be fixed by the Secretary of War, during the remainder of his service in the Reserve Officers' Training Corps.

SEC. 53. Any physically fit male citizen of the United States, between the ages of 21 and 27 years, who shall have graduated prior to the date of this act from any educational institution at which an officer of the Army was detailed as professor of military science and tactics, and who while a student at such institution completed courses of military training under the direction of such professor of military science and tactics substantially equivalent to those prescribed pursuant to this act for the senior division, shall, after satisfactorily completing such additional practical military training as the Secretary of War shall prescribe, be eligible for appointment as a reserve officer and as a tem-



porary additional second Lieutenant in accordance with the terms of this act.

SEC. 54. The President alone is hereby authorized to appoint and commission as a temporary second Lieutenant of the Regular Army in time of peace for purposes of instruction, for a period not exceeding six months, with the allowances now provided by law for that grade, but with pay at the rate of \$100 per month, any reserve officer appointed pursuant to sections 51 and 53 of this act and to attach him to a unit of the Regular Army for duty and training during the period covered by his appointment as such temporary second Lieutenant, and upon the expiration of such service with the Regular Army such officer shall revert to his status as a reserve officer.

SEC. 55. No reserve officer or temporary second Lieutenant appointed pursuant to this act shall be entitled to retirement or to retired pay and shall be eligible for pension only for disability incurred in line of duty in active service or while serving with the Regular Army pursuant to the provisions of this act.

SEC. 56. The Volunteer Army: The President is hereby authorized, at any time, to organize, maintain, and train, under the provisions of sections 3 to 12, both inclusive, of an act entitled "An act to provide for raising the volunteer forces of the United States in time of actual or threatened war," approved April 25, 1914, volunteer forces, not exceeding an average of 600 officers and enlisted men for each congressional district. The term of enlistment, which shall in no event be greater than that of the Regular Army, the period of service with the colors and with the reserve, and the period of training shall be as the President may prescribe, those passing to the reserve to have the status and obligations prescribed for reserves of the Regular Army. Officers and enlisted men of the volunteer forces raised under the provisions of this section shall be entitled to the pay and allowances of officers and enlisted men of corresponding grades in the Regular Army during periods of training only.

Temporary appointments and promotions of officers of the Regular Army arising from the operation of this section may be terminated at the discretion of the President.

Officers of the Regular Army who receive commissions in the Volunteer Army herein authorized shall in time of peace receive the pay and allowances of their respective grades in the Regular Army, and no more.

SEC. 57. Composition of the militia: The militia of the United States shall consist of all able-bodied male citizens of the United States and all other able-bodied males who have declared their intention to become citizens of the United States who are more than 16 years of age and not more than 45 years of age, and shall be divided into two classes, the National Guard and the Unorganized Militia.

SEC. 58. Composition of the National Guard: The National Guard shall consist of the regularly enlisted militia between the ages of 16 and 45 years, organized, armed, and equipped as hereinafter provided, and of commissioned officers between the ages of 21 and 64 years.

All other militia shall be known as the Unorganized Militia.

SEC. 59. The Vice President of the United States, the officers, judicial and executive, of the Government of the United States; persons in the military or naval service of the United States; customhouse clerks; persons employed by the United States in the transmission of the mail; artificers and workmen employed in the armories, arsenals, and navy yards of the United States; pilots; mariners actually employed in the sea service of any citizen or merchant within the United States shall be exempt from militia duty without regard to age, and all persons who because of religious beliefs claim exemption from military service shall be eligible for such noncombatant service as the President may prescribe.

SEC. 60. Organization of National Guard units: The organization, armament, equipment, discipline, and training of the National Guard shall be the same as that which is or may hereafter be prescribed for the Regular Army, subject in time of peace to such general exceptions as may be authorized by the Secretary of War, and the President may prescribe the particular unit or units as to branch or arm of the service to be maintained in each State, Territory, or District in order to secure a force which when combined shall form complete higher tactical units.

SEC. 61. The organization of all units of the National Guard, including their staffs and headquarters, shall be the same as corresponding units of the Regular Army: *Provided*, That the President shall, in time of peace, prescribe a maximum and a minimum strength for each unit.

SEC. 62. Number of the National Guard: The number of the National Guard to be organized under this bill within one year shall be for each State in the proportion of 200 for each Senator and Representative in Congress from such State, and a number to be determined by the President for Territories and the District of Columbia, and may be increased each year thereafter in the proportion of 50 per cent until a total peace strength averaging 500 for each Senator and Representative in Congress has been reached: *Provided*, That this shall not be construed to prevent any State, Territory, or the District of Columbia from organizing the full number of troops required under this section in less time, or from maintaining existing organizations if they conform to such rules and regulations regarding organization, strength, and armament as the President may prescribe: *And provided further*, That nothing in this act shall be construed to prevent any State with but one Representative in Congress from organizing a maximum of one regiment of troops, with such auxiliary troops as the President may prescribe: such organizations and members of such organizations to receive all the benefits accruing under this act under the conditions set forth herein: *And provided further*, That the word Territory as used in this act and in all laws relating to the militia and National Guard shall include Porto Rico and the Canal Zone.

SEC. 63. Any corps of Artillery, Cavalry, or Infantry existing in any of the States on the passage of the act of May 8, 1792, which by the laws, customs, or usages of said States has been in continuous existence since the passage of said act, under its provisions and under the provisions of section 232 and sections 1625 to 1660, both inclusive, of title 16 of the Revised Statutes of 1873, and the act of January 21, 1903, relating to the militia, shall be allowed to retain its ancient privileges, subject, nevertheless, to all duties required by law of militia: *Provided*, That said organizations may be a part of the National Guard and entitled to all the privileges of this act, and shall conform in all respects to the organization, discipline, and training of the National Guard in time of war: *Provided further*, That for purposes of training and when on active duty in the service of the United States they may be assigned to higher units, as the President may direct, and shall be subject to the orders of officers under whom they are serving.

SEC. 64. Assignment of National Guard to brigades and divisions: For the purpose of maintaining appropriate organization and to assist in instruction and training, the President may assign the National Guard of the several States and Territories and the District of Columbia

to divisions, brigades, and other tactical units, and may detail officers of appropriate grade either from the National Guard or the Regular Army to command such units: *Provided*, That where complete units are organized within a State, Territory, or the District of Columbia the commanding officers thereof shall not be displaced.

SEC. 65. The President may detail one officer of the Regular Army as chief of staff and two officers of the Regular Army or the National Guard as assistants to the chief of staff of any division of the National Guard called into the service of the United States: *Provided*, That in order to insure the prompt mobilization of the National Guard in time of war or other emergency, the President may, in time of peace, detail an officer of the Regular Army to perform the duties of chief of staff for each tactical division of the National Guard.

SEC. 66. Adjutants general of States, etc.: The adjutants general of the States, Territories, and the District of Columbia and the officers of the National Guard shall make such returns and reports to the Secretary of War at such times and in such form as the latter may from time to time prescribe: *Provided*, That the adjutants general of the Territories and of the District of Columbia shall be appointed by the President with such rank and qualifications as he may prescribe.

SEC. 67. Disbursing officers of States, etc.: The governor of each State and Territory and the commanding general of the Militia of the District of Columbia may appoint, designate, or detail, subject to the approval of the Secretary of War, the adjutant general or an officer of the National Guard of the State, Territory, or District of Columbia who shall be regarded as property and disbursing officer for the United States. He shall receipt and annually account for all property belonging to the United States in possession of the National Guard of his State, Territory, or District, and shall make such returns and reports concerning the same as may be required by the Secretary of War. The Secretary of War is authorized, on the requisition of the governor of a State or Territory or the commanding general of the National Guard of the District of Columbia, to pay to the property and disbursing officer thereof so much of its allotment out of the annual appropriation under section 1661 of the Revised Statutes, as amended, as shall be necessary for the purposes enumerated therein. He shall render, through the War Department, such accounts of Federal funds intrusted to him for disbursement as may be required by the Treasury Department. Before entering upon the performance of his duties as property and disbursing officer he shall be required to give good and sufficient bond to the United States, the amount thereof to be determined by the Secretary of War, for the faithful performance of his duties and for the safekeeping and proper disposition of the Federal property and funds intrusted to his care. He shall, after having qualified as property and disbursing officer, receive pay for his services from funds allotted to the State, Territory, and the District of Columbia in accordance with the numbers of officers and men of the National Guard of said State, Territory, or the District of Columbia who are actually enrolled and regularly receiving military instruction and training, as follows: Five hundred dollars for not less than 500 officers and men and not more than 1,500 officers and men; \$700 for more than 1,500 officers and men and not more than 2,500 officers and men; \$1,000 for more than 2,500 officers and men and not more than 3,500 officers and men; \$1,250 for more than 3,500 officers and men and not more than 4,500 officers and men; \$1,500 for more than 4,500 officers and men and not more than 5,500 officers and men; \$1,750 for more than 5,500 officers and men and not more than 7,500 officers and men; \$2,000 for more than 7,500 officers and men and not more than 8,500 officers and men; \$2,500 for more than 8,500 officers and men: *Provided*, That when traveling in the performance of his official duties under orders issued by the proper authorities he shall be reimbursed for his actual necessary traveling expenses, the sum to be made a charge against the allotment of the State, Territory, or District of Columbia: *Provided further*, That the Secretary of War shall cause an inspection of the accounts and records of the property and disbursing officer to be made by an officer of the Army at least once each year: *And provided further*, That the Secretary of War is empowered to make all rules and regulations necessary to carry into effect the provisions of this section.

SEC. 68. Location of units: The location of the units and headquarters of the National Guard within the States and Territories shall be fixed by the authorities thereof: *Provided*, That no part of the National Guard which is entitled to compensation under the provisions of this act shall be disbanded without the consent of the President.

SEC. 69. Enlistments in the National Guard: Hereafter the period of enlistment in the National Guard shall be for six years, the first three years of which shall be in an active organization and the remaining three years in the National Guard reserve, hereinafter provided for, and the qualifications for enlistment shall be the same as those prescribed for admission to the Regular Army.

SEC. 70. Enlisted men in the Organized Militia of the several States, Territories, and the District of Columbia now serving under enlistment contracts which contain an obligation to defend the Constitution of the United States and to obey the orders of the President of the United States shall be recognized as members of the National Guard under the provisions of this act for the unexpired portion of their present enlistment contract. When the enlistment contract does not contain such an obligation, no enlisted man shall be recognized as a member of the National Guard until he shall have signed an enlistment contract containing the new obligation, upon signing which credit shall be given for the period already served under the old enlistment contract.

SEC. 71. Federal enlistment contract: The provisions of this act as to the National Guard shall not apply to enlisted men thereof who have not signed an additional contract, which shall include an obligation to bear true faith and allegiance to the United States and support the Constitution thereof and obey the orders of the President of the United States and the officers appointed over them, and which shall also contain the following agreement: "In the event that the President of the United States shall order the National Guard into active service because of actual or threatened war within three years from the date of my enlistment I agree to serve as a member of the National Guard in the service of the United States within or without the continental limits of the United States for the period of three years from the date of said order or until discharged by order of the President of the United States."

SEC. 72. Discharge of enlisted men from the National Guard: An enlisted man discharged from service shall receive a discharge in writing in such form and with such classification as is prescribed for the Regular Army, and in time of peace discharges may be given prior to the expiration of terms of enlistment under such regulations as the President may prescribe.

SEC. 73. Federal oath for officers of National Guard: The provisions of this act as to the National Guard shall apply to officers thereof now



serving under their present commissions: *Provided*, That they have taken, or may hereafter take, an oath to bear true faith and allegiance to the United States, to support the Constitution of the United States, and obey the orders of the President of the United States: *Provided further*, That no person hereafter commissioned shall be recognized as an officer of the National Guard under the provisions of this act until he has accepted such commission and taken the prescribed oath, which shall contain the same agreement as to service prescribed for enlisted men.

SEC. 74. Hereafter commissioned officers of the National Guard shall not be recognized as such under the provisions of this act unless they shall have been selected from the following classes: Officers or enlisted men of the National Guard; officers on the reserve or unassigned list of the National Guard; officers, active or retired, and ex-officers of the United States Army, Navy, and Marine Corps; graduates of the United States Military and Naval Academies and graduates of schools, colleges, and universities where military science is taught under the supervision of an officer of the Regular Army, and for the technical branches and staff corps or departments such other civilians as may be specially qualified for duty therein.

SEC. 75. Qualifications for National Guard officers: The provisions of this act shall not apply to any person who has been appointed an officer of the National Guard unless he first shall have successfully passed such tests as to physical, moral, and professional fitness as may be prescribed by the President. The examination to determine the qualifications for commission shall be conducted by a board of three commissioned officers appointed by the Secretary of War from officers of the Regular Army or of the National Guard, or of both.

SEC. 76. Filling of vacancies when in Federal service: All vacancies which exist or occur in the grade of second lieutenant of any portion of the National Guard in the active service of the United States shall be filled by the President from the enlisted men of the National Guard of the State, Territory, or District in which the vacancy occurs. All other appointments and promotions below the grade of lieutenant colonel shall, under the circumstances, be made by the President alone, and all appointments and promotions to the grade of lieutenant colonel and higher grades shall be made by and with the advice and consent of the Senate.

SEC. 77. Elimination board: At any time the moral character, capacity, and general fitness for the service of any National Guard officer may be determined by an efficiency board of three commissioned officers, senior in rank to the officer whose fitness for service is being investigated, and if the findings of such board be unfavorable to such officer and be approved by the official authorized to appoint such an officer he shall be discharged.

SEC. 78. Vacation of commissions: Commissions of officers of the National Guard may be vacated upon resignation, absence without leave for three months, upon the recommendation of an efficiency board, or pursuant to sentence of a court-martial.

SEC. 79. Disposition of surplus officers: Officers of the National Guard rendered surplus by the disbandment of their organizations may be placed in the Officers' Reserve Corps. Officers may, upon their own application, be placed in the Officers' Reserve Corps.

SEC. 80. The National Guard reserve: Subject to such rules and regulations as the President may prescribe, a National Guard reserve shall be organized in each State, Territory, and the District of Columbia, to consist of honorably discharged enlisted men of the National Guard of the several States, Territories, and the District of Columbia: *Provided*, That reservists when engaged in field or coast-defense training with the active militia shall receive the same pay and allowances as enlisted men of like grade on the active list of the National Guard, and when called into active service shall be incorporated into the National Guard and be subject to the same laws, orders, and regulations which govern the same.

SEC. 81. Armament, equipment, and uniform of the National Guard: The National Guard of the United States shall, as far as practicable, be uniformed, armed, and equipped with the same type of uniforms, arms, and equipments provided for the Regular Army.

SEC. 82. Under such regulations as the President may prescribe, the Secretary of War is hereby authorized to procure, within the limits of appropriations made by Congress for the purpose, by purchase or manufacture, and to issue from time to time to the National Guard, upon requisition of the governors of the several States and Territories or the commanding general of the Militia of the District of Columbia, such number of United States service arms, with all accessories, field-artillery material, engineer, signal, and sanitary material, accountments, field uniforms, clothing, equipage, publications, and military stores of all kinds, including public animals, as are necessary to arm, uniform, and equip for field service the National Guard in the several States, Territories, and the District of Columbia: *Provided*, That as a condition precedent to the issue of any property as provided for by this act, the State, Territory, or the District of Columbia shall make adequate provision for the protection and care of such property.

SEC. 83. Under such regulations as the President may prescribe, whenever a new type of equipment, small arm, or field gun shall have been issued to the National Guard of the several States, Territories, and the District of Columbia, such equipment, small arms, and field guns, including all accessories, shall be furnished without charging the cost or value thereof or any expense connected therewith against the appropriations provided in this act.

SEC. 84. Each State, Territory, and the District of Columbia shall, on the receipt of new property issued to replace obsolete or condemned prior issues, turn in to the department or otherwise dispose of, in accordance with the directions of the Secretary of War, all property so replaced or condemned without receiving any money credit therefor.

SEC. 85. Any State, Territory, or the District of Columbia may, with the approval of the Secretary of War, purchase for cash from the War Department for the use of the National Guard, including the officers thereof, such stores, supplies, material of war, and military publications as are furnished to the Army, in addition to those issued under the provisions of this act, at the price at which they are listed to the Army, with cost of transportation added. The funds received from such sale shall be credited to the appropriation to which they belong, and shall not be covered into the Treasury, and shall be available until expended to replace therewith the supplies sold to the States in the manner herein authorized: *Provided*, That stores, supplies, and material of war so purchased by a State, Territory, or the District of Columbia may, in time of actual or threatened war, be requisitioned by the United States for use in the military service thereof and when so requisitioned by the United States and delivered, credit for the ultimate return of such property in kind shall be allowed to such State, Territory, or the District of Columbia.

SEC. 86. Disposition and replacement of damaged property, etc.: All military property issued to the National Guard as herein provided shall remain the property of the United States. Whenever any such property issued to the National Guard in any State or Territory or the District of Columbia has been lost, damaged, or destroyed, or has become unserviceable or unsuitable by use in service or from any other cause, it shall be examined by a disinterested surveying officer of the Regular Army or the National Guard detailed by the Secretary of War and the report of such surveying officer shall be forwarded to the Secretary of War, and if it shall appear to the Secretary of War from the record of survey that the property has been lost, damaged, or destroyed through unavoidable causes, he is hereby authorized to relieve the State or Territory or the District of Columbia from further accountability therefor; if it shall appear that the loss, damage, or destruction of property was due to carelessness or neglect, or that its loss, damage, or destruction could have been avoided by the exercise of reasonable care, the money value thereof shall be charged to the State, Territory, or the District of Columbia, to be paid for from State, Territory, or District funds, or any funds other than Federal. If the articles so surveyed are found to be unserviceable or unsuitable, the Secretary of War shall direct what disposition, by sale or otherwise, shall be made of them; and if sold, the proceeds of such sale, as well as stoppages against officers and enlisted men, and the net proceeds of collections made from any person or from any State, Territory, or District to reimburse the Government for the loss, damage, or destruction of any property shall be deposited in the Treasury of the United States as a credit to said State, Territory, or the District of Columbia, accountable for said property, and as a part of and in addition to that portion of its allotment set aside for the purchase of similar supplies, stores, or material of war: *Provided further*, That if any State, Territory, or the District of Columbia neglects or refuses to pay, or to cause to be paid, the money equivalent of any loss, damage, or destruction of property charged against such State, Territory, or the District of Columbia by the Secretary of War after survey by a disinterested officer appointed as hereinbefore provided, the Secretary of War is hereby authorized to debar such State, Territory, or the District of Columbia from further participation in any and all appropriations for the National Guard until such payment is made.

SEC. 87. The net proceeds of the sale of condemned stores issued to the National Guard and not charged to State allotments shall be covered into the Treasury of the United States, as shall also stoppages against officers and enlisted men, and the net proceeds of collections made from any person to reimburse the Government for the loss, damage, or destruction of said property not charged against the State allotment issued for the use of the National Guard.

SEC. 88. Horses for Cavalry and Field Artillery of National Guard: Appropriations made for the particular purpose shall be available for the purchase, under such regulations as the Secretary of War may prescribe, of horses conforming to the Regular Army standards for the use of Field Artillery and Cavalry of the National Guard, said horses to remain the property of the United States and to be used solely for military purposes.

Horses so purchased may be issued not to exceed 32 to any one battery or troop, under such regulations as the Secretary of War may prescribe; and the Secretary of War is further authorized to issue, in lieu of purchase, for the use of such organizations, condemned Army horses which are no longer fit for service, but which may be suitable for the purposes of instruction, the same to be sold as now provided by law when the latter purpose has been served.

SEC. 89. Appropriations made for the particular purpose shall be available for the purchase and issue of forage, bedding, shoeing, and veterinary services, and supplies for the Government horses issued to any battery or troop, and for the compensation of competent help for the care of the material, animals, and equipment thereof, under such regulations as the Secretary of War may prescribe: *Provided*, That the men to be compensated, not to exceed five for each battery or troop, shall be duly enlisted therein and shall be detailed by the battery or troop commander, under such regulations as the Secretary of War may prescribe, and shall be paid by the United States disbursing officer in each State, Territory, and the District of Columbia.

SEC. 90. Discipline to conform to that of Regular Army: The discipline, which includes training, of the National Guard shall conform to the system which is now or may hereafter be prescribed for the Regular Army, and the training shall be carried out by the several States, Territories, and the District of Columbia so as to conform to the provisions of this act.

SEC. 91. Training of the National Guard: Each company, troop, battery, and detachment in the National Guard shall assemble for drill and instruction, including indoor target practice, not less than 48 times each year, and shall, in addition thereto, participate in encampments, maneuvers, or other exercises, including outdoor target practice, at least 24 days each year, 5 of which shall be in rifle practice, unless such company, troop, battery, or detachment shall have been excused from participation in any part thereof by the Secretary of War: *Provided*, That credit for an assembly for drill or for indoor target practice shall not be given unless the number of officers and enlisted men present for duty at such assembly shall equal or exceed a minimum to be prescribed by the President, nor unless the period of actual military duty and instruction participated in by each officer and enlisted man at each such assembly at which he is credited as having been present shall be of at least one and one-half hours' duration and the character of training such as may be prescribed by the Secretary of War.

SEC. 92. Inspections of the National Guard: The Secretary of War shall cause an inspection to be made at least once each year by officers of the Regular Army detailed by him for that purpose to determine whether the amount and condition of the property in the hands of the National Guard is satisfactory; whether the National Guard is organized as hereinbefore prescribed; whether the officers and enlisted men possess the physical and other qualifications prescribed; whether the organization and the officers and enlisted men thereof are sufficiently armed, uniformed, equipped, and being trained and instructed for active duty in the field or coast defense, and whether the records are being kept in accordance with the requirements of this act. The reports of such inspections shall serve as the basis for determining what organizations and individuals shall be considered as constituting the National Guard within the meaning of this act.

SEC. 93. Encampments and maneuvers: Under such regulations as the President may prescribe the Secretary of War is authorized to provide for the participation of any part of the National Guard in encampments, maneuvers, or other exercises, including outdoor target practice, for field or coast-defense instruction, either independently or



In conjunction with any part of the Regular Army, and there may be set aside from the funds appropriated for that purpose and allotted to any State, Territory, or the District of Columbia such portion of said funds as may be necessary for the payment, subsistence, transportation, and other expenses of that portion of the National Guard in the State, Territory, or the District of Columbia which may participate in such encampments, maneuvers, or other exercises, including outdoor target practice, for field and coast-defense instruction; and the officers and enlisted men of such National Guard while so engaged shall be entitled to the same pay, subsistence, and transportation as officers and enlisted men of corresponding grades of the Regular Army are or hereafter may be entitled by law.

SEC. 94. When any part of the National Guard participates in encampments, maneuvers, or other exercises, including outdoor target practice, for field or coast-defense instruction at a United States military post, reservation, or elsewhere the command of the military post or reservation where such encampments or maneuvers are held, and of the officers and troops of the United States there on duty, shall remain with the commander of the United States troops without regard to the rank of the commanding or other officer of the National Guard temporarily engaged in the encampments or maneuvers for field or coast-defense instruction.

SEC. 95. Use of Regular Army personnel: The Secretary of War may detail one or more officers and enlisted men of the Regular Army to attend any encampment, maneuver, or other exercise for field or coast-defense instruction of the National Guard, who shall give such instruction and information to the officers and men assembled for such encampment, maneuver, or other exercise as may be directed by the Secretary of War or requested by the governor or by the commanding officer of the National Guard there on duty.

SEC. 96. Under such regulations as the President may prescribe the Secretary of War may provide camps for the instruction of officers and enlisted men of the National Guard. Such camps shall be conducted by officers of the Regular Army detailed by the Secretary of War for that purpose, and may be located either within or without the State, Territory, or District of Columbia to which the members of the National Guard so designated to attend belong. Officers and enlisted men attending such camps shall be entitled to pay and transportation, and enlisted men to subsistence in addition, at the same rates as for encampments or maneuvers for field or coast-defense instruction.

SEC. 97. When any portion of the National Guard participates in encampments, maneuvers, or other exercises, including outdoor target practice, for field or coast-defense instruction under the provisions of this act they may, after being duly mustered, be paid at any time after such muster for the period from the date of leaving the home rendezvous to date of return thereto as determined in advance, both dates inclusive; and such payment, if otherwise correct, shall pass to the credit of the disbursing officer making the same.

SEC. 98. National Guard officers and men at service schools: Under such regulations as the President may prescribe, the Secretary of War may, upon the recommendation of the governor of any State or Territory or the commanding general of the Militia of the District of Columbia, authorize a limited number of selected officers or enlisted men of the National Guard to attend and pursue a regular course of study at any military service school of the United States, except the United States Military Academy; or to be attached to an organization of the same arm, corps, or department to which the officer or enlisted man belongs for routine practical instruction at or near an Army post during its period of field training or outdoor season; and such officer or enlisted man shall receive the same travel allowances and quarters, or commutation of quarters, and the same pay, allowances, and subsistence to which an officer or enlisted man of the Regular Army would be entitled for attending such school, college, or practical course of instruction under orders from proper military authority, while in actual attendance at such school, college, or practical course of instruction: *Provided*, That in no case shall the pay and allowances herein authorized exceed those of a captain.

SEC. 99. Detail of officers of Regular Army to duty with National Guard: Upon the request of the governor of any State, Territory, or the commanding general of the Militia of the District of Columbia, the President may detail officers of the active list of the Army to duty with the National Guard in such State, Territory, or District of Columbia, and officers so detailed may accept commissions in the National Guard with the permission of the President and terminable in his discretion without vacating their commissions in the Regular Army, or being prejudiced in their relative or lineal standing therein. The Secretary of War may, upon like application, detail one or more enlisted men of the Regular Army with such State, Territory, or District of Columbia for duty in connection with the National Guard. But nothing in this section shall be so construed as to prevent the detail of retired officers as now provided by law.

SEC. 100. Militia, when subject to laws governing Regular Army: The militia, when called into the service of the United States, shall from the time they are required by the terms of the call to respond thereto be subject to the laws and regulations governing the Regular Army, so far as such laws and regulations are applicable to officers and enlisted men whose permanent retention in the military service, either on the active list or on the retired list, is not contemplated by existing law.

SEC. 101. System of courts-martial for National Guard: Except when called into the service of the United States, courts-martial in the National Guard of the United States shall be of three kinds, namely, general courts-martial, special courts-martial, and summary courts-martial. They shall be constituted and have cognizance of the same subjects and possess like powers, except as to punishments, as similar courts provided for by the laws and regulations governing the Army of the United States, and the proceedings of courts-martial of the National Guard shall follow the forms and modes of procedure prescribed for such courts.

SEC. 102. General courts-martial may be convened by order of the governors of the respective States and Territories and by the commanding general of the Militia of the District of Columbia, and such courts shall have the power to impose fines not exceeding \$200; to sentence to forfeiture of pay and allowances; to a reprimand; to dismissal or dishonorable discharge from the service; to reduce noncommissioned officers to the ranks; or any two or more of such punishments may be combined in the sentences imposed by such courts.

SEC. 103. The commanding officer of each garrison, fort, post, camp, or other place, brigade, regiment, detached battalion, or other detached command of the National Guard, may appoint special courts-martial for his command; but such special courts-martial may in any case be appointed by superior authority when by the latter deemed desirable. Special courts-martial shall have power to try any person subject to

military law, except an officer, for any crime or offense made punishable by the military laws of the United States, and such special courts-martial shall have the same powers of punishment as do general courts-martial, except that fines imposed by such courts shall not exceed \$100.

SEC. 104. The commanding officer of each garrison, fort, post, or other place, regiment or corps, detached battalion, company, or other detachment of the National Guard may appoint for such place or command a summary court to consist of one officer, who shall have power to administer oaths and to try the enlisted men of such place or command for breaches of discipline and violations of laws governing such organizations; and said court, when satisfied of the guilt of such soldier, may impose fines not exceeding \$25 for any single offense; may sentence noncommissioned officers to reduction to the ranks; may sentence to forfeiture of pay and allowances. The proceedings of such court shall be informal, and the minutes thereof shall be the same as prescribed for summary courts of the Army of the United States.

SEC. 105. All courts-martial of the National Guard, including summary courts, shall have power to sentence to confinement in lieu of fines authorized to be imposed: *Provided*, That such sentences of confinement shall not exceed one day for each dollar of fine authorized.

SEC. 106. No sentence of dismissal from the service or dishonorable discharge shall, except when in the service of the United States, be executed until approved by the governor of a State or Territory or the commanding general of the Militia of the District of Columbia.

SEC. 107. Presidents of courts-martial and summary court officers of the National Guard shall have power to issue warrants to arrest accused persons and to bring them before the court for trial whenever such persons have disobeyed an order in writing from the convening authority to appear before such court, a copy of the charge or charges having been delivered to the accused with such order, and to issue subpoenas and subpoenas duces tecum and to enforce by attachment attendance of witnesses and the production of books and papers, and to sentence for a refusal to be sworn or to answer as provided in actions before civil courts.

All processes and sentences of said courts shall be executed by such civil officers as may be prescribed by the laws of the several States and Territories, and in any State where no provision has been made for such action and in the Territories and the District of Columbia the same shall be executed by a United States marshal or his duly appointed deputy, and it shall be the duty of any United States marshal to execute all such processes and sentences and make return thereof to the officer issuing or imposing the same.

SEC. 108. Pay for National Guard, officers: Commissioned officers on the active list belonging to organizations of the National Guard shall annually receive as reimbursement for their expenses and compensation for their services, except during periods of service for which under existing law they may become entitled to the same pay as officers of corresponding grades of the Regular Army, at the following rates, namely: To captains commanding companies or similar units, \$500; to first lieutenants of companies or similar units, \$300; to second lieutenants of companies or similar units, \$250.

SEC. 109. Pay for National Guard, enlisted men: Each enlisted man on the active list belonging to organizations of the National Guard shall receive as reimbursement for his expenses and compensation for his services, except during periods of service for which under existing law he may become entitled to the same pay as an enlisted man of corresponding grade in the Regular Army, at a rate equal to 25 per cent of the initial pay now or that may be hereafter provided by law for enlisted men of corresponding grades of the Regular Army, but in no event to exceed \$120 a year: *Provided*, That such enlisted man shall receive the compensation herein provided if he shall have attended not less than 48 regular drills of not less than one and one-half hours each during any one year, and a proportionate amount for attendance upon a lesser number of such drills, not less than 24: *Provided further*, That the compensation provided herein shall be computed for semi-annual periods, beginning the 1st day of January and the 1st day of July of each year, in proportion to the number of drills attended; and no compensation shall be paid to any enlisted man for the first semi-annual period of any year unless he shall have attended during said period at least 24 drills, but any lesser number of drills attended during said period shall be reckoned with the drills attended during the second semi-annual period in computing the compensation, if any, due him for that year: *And provided further*, That when any man enters into an enlistment he shall be entitled to proportional compensation for that year if during the remainder of the year he shall attend a number of drills whose ratio to 24 is not less than the ratio of the part of the year so served to the whole year; and when any man's enlistment shall expire, the compensation, if any, to which he may be entitled shall be determined in like manner: *And provided further*, That periods of any actual military duty equivalent to the drills herein prescribed, except those periods of service for which under existing laws members of the National Guard may become entitled to the same pay as officers and enlisted men of the corresponding grades in the Regular Army, may be accepted as service in lieu of such drills when approved by the Secretary of War.

SEC. 110. All amounts appropriated for the purposes of the two preceding sections shall be disbursed and accounted for by the officers and agents of the Quartermaster Corps of the Regular Army, and all disbursements made under the provisions of the two preceding sections shall be made as soon as practicable after the 31st day of December and the 30th day of June of each year upon pay rolls prepared and authenticated in the manner prescribed by the Secretary of War: *Provided*, That stoppages may be made against the compensation payable to any officer or enlisted man to cover the cost of public property lost or destroyed by and chargeable to such officer or enlisted man.

SEC. 111. No money appropriated under the provisions of this act for the National Guard shall be paid to any person not on the active list of the National Guard, except as provided in section 80 of this act, nor to any person who fails to qualify as to fitness for military service, under such regulations as the Secretary of War may prescribe.

SEC. 112. When Congress shall have authorized the use of the armed land forces of the United States requiring the use of troops in excess of those of the Regular Army, the officers and enlisted men of the National Guard, who have signed an enlistment or agreement to render military service to the United States and have received and accepted compensation for training for such service under the provisions of this act, and who have passed the required physical examination at the time of their enlistment, may be ordered into the service of the United States by the President to serve for a period of three years within or without the continental limits of the United States, unless sooner discharged by the President. Officers and enlisted men in the service of the United States, under the terms of this section, shall have the same pay and allowances as officers and enlisted men of the Regular Army.



SEC. 113. Rights to pensions: When any officer or enlisted man of the National Guard is disabled by reason of wounds or disability received or incurred while in the active service of the United States, he shall be entitled to all the benefits of the pension laws existing at the time of his service, and in case such officer or enlisted man dies in the active service of the United States or in returning to his place of residence after being mustered out of such service, or at any other time in consequence of wounds or disabilities received in such active service, his widow and children, if any, shall be entitled to all the benefits of such pension laws.

SEC. 114. Encouragement of rifle practice: The Secretary of War shall annually submit to Congress recommendations and estimates for the establishment and maintenance of indoor and outdoor rifle ranges, under such a comprehensive plan as will ultimately result in providing adequate facilities for rifle practice in all sections of the country, and that all ranges so established and all ranges which may have already been constructed in whole or in part with Federal funds shall be open for use by those in all branches of the military and naval services of the United States and by all able-bodied males capable of bearing arms, under reasonable regulations to be prescribed by the controlling authorities and approved by the Secretary of War. Where rifle ranges have been so established the Secretary of War is authorized to provide for the issue of a reasonable number of standard military rifles and such quantities of ammunition as may be available for use in conducting such rifle practice.

SEC. 115. Temporary vacancies in Regular Army due to details to the National Guard: In time of war the temporary vacancies created in any grade not above that of colonel among the commissioned personnel of any arm, staff corps, or department of the Regular Army through appointments of officers thereof to higher rank in the National Guard under the provisions of this act shall be filled by temporary promotions according to seniority in rank from officers holding commissions in the next lower grade in said arm, staff corps, or department, and all vacancies created in any grade by temporary promotions shall be in like manner filled from and thus create temporary vacancies in the next lower grade, and the vacancies that remain thereafter in said arm, staff corps, or department that can not be filled by temporary promotions as prescribed in this section may be filled by the temporary appointment of officers of such number and grade or grades as shall maintain said arm, corps, or department at the full commissioned strength authorized by law: *Provided*, That in the staff corps and departments subject to the provisions of sections 26 and 27 of the act of February 2, 1901, and acts amendatory thereof, temporary vacancies that can not be filled by temporary promotions as hereinbefore prescribed shall be filled by temporary details in the manner prescribed in said sections 26 and 27 and acts amendatory thereof, and the resulting temporary vacancies in the branches of the Army from which the details are so made shall be filled as hereinbefore in this section prescribed: *Provided further*, That officers temporarily promoted or appointed under the terms of this section shall be promoted or appointed by the President, by and with the advice and consent of the Senate, for terms that shall not extend beyond the war or the passing of the emergency for which additional forces were ordered into active service as a part of the Army of the United States; and at the termination of the war or the passing of the emergency said officers shall be discharged from the positions held by them under their temporary commissions or appointments, and officers detailed as herein authorized shall be relieved from their temporary details: *And provided further*, That officers temporarily promoted under the provisions of this section shall not vacate their permanent commissions nor be prejudiced in their relative or lineal standing in the Regular Army.

SEC. 116. Muster into the Federal service: Every officer and enlisted man of the National Guard who shall be called into the service of the United States shall be mustered under such regulations as the President may prescribe without further commission or enlistment and without making a physical examination previous to such muster a condition precedent thereto: *Provided*, That as soon as practicable after such muster there shall be a physical examination of the officers and men so mustered: *Provided further*, That immediately preceding the muster out of an officer or enlisted man called into the active service of the United States he shall be physically examined under rules prescribed by the President of the United States, and the record thereof shall be filed and kept in the War Department.

SEC. 117. Noncompliance with Federal act: Whenever any State, Territory, or District shall, within a limit of time to be fixed by the President, have failed or refused to comply with or to enforce any requirement of this act relating to the National Guard, or any regulation promulgated thereunder and in aid thereof by the President, the National Guard of such State, Territory, or District shall be debarred, wholly or in part, as the President may direct, from receiving from the United States any pecuniary or other aid, benefit, or privilege authorized or provided by this act.

SEC. 118. Annual estimates required: The Secretary of War shall cause estimates to be submitted annually to provide the amounts necessary to carry out such provisions of this act as relate to the National Guard, and no money shall be expended under said provisions except as shall be specifically appropriated therefor.

SEC. 119. Applicable to land forces only: The provisions of this act in respect to the militia shall be applicable only to the militia organized as a land force, and shall take effect on July 1, 1916.

SEC. 120. All laws and parts of laws in so far as they are inconsistent with this act are hereby repealed.

Mr. CHAMBERLAIN. Mr. President, in view of the fact that a number of Senators have amendments to propose, I think probably we had better take up the bill by sections now so that they can consider the amendments that are proposed.

Mr. OVERMAN. Mr. President, may I ask the Senator in charge of the bill a question?

Mr. CHAMBERLAIN. Yes, sir.

Mr. OVERMAN. I notice that in the House bill as reported, from page 1 to page 105, there are certain sections stricken out. Do I understand that the committee has reported the Hay bill, which passed the House?

Mr. CHAMBERLAIN. Yes, sir.

Mr. OVERMAN. Does the committee report that bill back to the Senate with the recommendation that it do not pass, but that the substitute contained in the pages from 105 to the end of the bill be passed?

Mr. CHAMBERLAIN. I will say that there are quite a number of sections in the House bill that are not essentially different from the provisions of the Senate bill which we have reported as a substitute for the House bill, so that we are now considering the Senate bill as an amendment to the House bill.

Mr. OVERMAN. As an amendment?

Mr. CHAMBERLAIN. Yes.

Mr. OVERMAN. As a whole?

Mr. CHAMBERLAIN. As a whole.

Mr. SMITH of Georgia. Or as a substitute.

Mr. CHAMBERLAIN. Yes.

Mr. OVERMAN. That is an amendment. Now, say that we take up section 1 here. It is stricken out by the committee. The Senate has taken no action on it. The committee reports back the Hay bill in this bill, with lines running through it, so that it is stricken out.

Mr. CHAMBERLAIN. Yes.

Mr. OVERMAN. Then the Senate takes no action on that at all. It takes the action on the proposed substitute?

Mr. CHAMBERLAIN. I understand that that will be the action of the Senate. If the Senator wants to amend the Senate bill by reinserting any provision of the House bill, it is open to amendment, of course.

Mr. OVERMAN. Suppose there are some provisions in the Hay bill that I like better than I do the corresponding provisions in the Senate bill?

Mr. CHAMBERLAIN. I think it would be perfectly proper to offer them as amendments to the Senate bill.

Mr. OVERMAN. Then we are not going to take up section 1, that is stricken out here and reported back by the committee?

Mr. CHAMBERLAIN. No, sir.

Mr. OVERMAN. It is here stricken out. The Senate has not stricken it out, but the committee has stricken it out.

The PRESIDING OFFICER (Mr. HOLLIS in the chair). If the Senator from North Carolina will yield for a moment, the Chair will state the parliamentary situation as he understands it. The Senate may proceed to perfect the part stricken out, if it so desires, and then to perfect the part offered as a substitute, and each will be first perfected before the amendment is voted on as a substitute for the original.

Mr. OVERMAN. If the Chair pleases, the chairman of the committee does not understand it that way.

The PRESIDING OFFICER. The Chair was stating what he understands; and then it is in the hands of the Senate.

Mr. CURTIS. Why, Mr. President, under the rules, what right have we to amend the provisions stricken out by the Senate committee? The only thing that is before us is the amendment.

The PRESIDING OFFICER. They are not stricken out until the Senate votes to strike them out. This is a proposition which comes from the Senate committee to amend by substituting, and the original must be first perfected if anyone desires to offer amendments. Then the substitute is to be perfected, and then the Senate will vote to substitute, if it desires, or it will refuse to substitute.

Mr. CURTIS. Does the Chair hold that the House provisions that have been stricken out may be perfected?

The PRESIDING OFFICER. Certainly.

Mr. SMOOT. Mr. President—

Mr. OVERMAN. The chairman of the committee does not understand it that way.

The PRESIDING OFFICER. That is the rule, as the Chair understands it.

Mr. OVERMAN. That is exactly what I say; but the chairman of the committee says this is a substitute for the whole House bill.

Mr. SMITH of Georgia. It is just offered as a substitute. It has not been adopted as a substitute.

Mr. OVERMAN. I understand it has not.

Mr. SMOOT. Mr. President, I think the Chair has stated the rule correctly, with one exception. The rules provide that the substitute can be perfected as well as the original bill.

The PRESIDING OFFICER. That is what the Chair stated.

Mr. SMOOT. The Chair, however, stated that first the original bill had to be perfected, and then the substitute. I will say to the Chair that the Senate can proceed to perfect the substitute first, and then it can be offered as a substitute for the whole of the original bill.

The PRESIDING OFFICER. That is a matter entirely in the hands of the Senate. They may proceed to perfect either at their choice.

Mr. SMOOT. That is right. I agree with the Chair now.

Mr. CHAMBERLAIN. Then, Mr. President, I move that we proceed to perfect the proposed substitute.

The PRESIDING OFFICER. The Senator from Oregon moves that the Senate proceed to perfect the proposed substitute.

The motion was agreed to.

The PRESIDING OFFICER. The Senate now has before it for amendment the substitute offered by the committee.

Mr. OVERMAN. I suggest that we take it up by sections.

The PRESIDING OFFICER. Without objection, it will be so ordered. The Secretary will read the first section of the substitute for the purpose of amendment.

Mr. GALLINGER. I think we have to have a larger number of Senators present, Mr. President. I suggest the absence of a quorum.

The PRESIDING OFFICER. The Secretary will call the roll.

The Secretary called the roll, and the following Senators answered to their names:

Ashurst	Hitchcock	Nelson	Smoot
Bankhead	Hollis	Overman	Sterling
Beckham	Hughes	Page	Sutherland
Brandegee	Husting	Polindexter	Swanson
Catron	James	Pomerene	Thomas
Chamberlain	Johnson, S. Dak.	Saulsbury	Thompson
Chilton	Jones	Shafroth	Tillman
Clapp	Lane	Sheppard	Townsend
Clark, Wyo.	Lee, Md.	Sherman	Vardaman
Cummins	Lippitt	Shields	Wadsworth
Curtis	McCumber	Simmons	Warren
Dillingham	Martin, Va.	Smith, Ga.	Weeks
du Pont	Martine, N. J.	Smith, Mich.	Works
Gallinger	Myers	Smith, S. C.	

The PRESIDING OFFICER (Mr. HOLLIS in the chair). The Chair has been requested to announce that the senior Senator from Maine [Mr. JOHNSON] is necessarily absent from the Senate. This announcement may stand for the day.

Mr. SAULSBURY. I have been requested to announce the necessary absence of the junior Senator from Louisiana [Mr. BROUSSARD] on official business.

Mr. CHILTON. I desire to announce the absence of my colleague [Mr. Goff] on account of illness.

Mr. CATRON. I wish to announce that my colleague [Mr. FALL] is absent on account of official business.

The PRESIDING OFFICER. Fifty-five Senators have answered to their names. There is a quorum present.

Mr. CHAMBERLAIN. Mr. President, before proceeding with this measure, I will state that I understand there are quite a number of Senators who have set speeches to make on the bill; and, while I want to speed this measure as much as it is possible to do so, I do not want to undertake to amend the bill in advance of some speech bearing directly upon the subject in hand. Either the bill may be out of place or the speech may be out of place if it is made out of proper order.

Mr. OVERMAN. Mr. President, I suggest that the Senator, in his able speech this morning, and one that was very lucid in many respects—though I could not keep up with all the figures—has included a list of figures, which will appear in the Record in the morning and which we would all like to examine. I do not want to delay this bill at all. I join with the Senator in saying that I should like to see it disposed of as soon as possible; but I believe we would make time if he should let it go over and let us hear the speeches to-morrow, if anybody wants to speak, and let us look at the Record and see those figures and the important matters that he has published in the Record, and then take it up. I suggest that he let it go over until to-morrow.

Mr. SMITH of Georgia. Is not the Senator from Iowa to speak this afternoon?

Mr. CHAMBERLAIN. I have no desire in the world to do anything that might possibly impede the progress of this bill; and Senators here of longer experience than I think possibly it might hasten the matter if they could discuss it at length to-morrow. I am perfectly willing to have the bill go over until to-morrow; but I want the Senate to understand that I am going to press the bill after to-morrow morning, and, if necessary, to ask the Senate for evening sessions.

Mr. GALLINGER. Mr. President, will the Senator from Oregon yield to me?

Mr. CHAMBERLAIN. I yield.

Mr. GALLINGER. No Senator is more anxious than I am to expedite the consideration of this bill and every other bill that may come before the Senate; but I really think it would be better to let it go over until to-morrow, and let Senators digest the Senator's speech, which is a very able and interesting one; and then, if Senators have set speeches to make, it occurs to me that they might well be made before we take up the bill for amendment. That would be my suggestion.

Mr. SMOOT. There is one notice already given for a speech to-morrow.

Mr. SIMMONS. Do I understand the Senator as saying that after to-day he will not put the bill over again because nobody is ready to go on and speak?

Mr. CHAMBERLAIN. No; after to-day, giving the Senators a full opportunity to look into the figures and statements I have put in the Record this morning, and the report of the committee that has been filed, they ought to be prepared to take up the matter and push it to a conclusion. Therefore, while I am perfectly willing to let it go over to-day, so far as I am concerned, after to-day I shall urge this bill upon the attention of the Senate until it is concluded.

Mr. GALLINGER. I think that is a wise procedure.

Mr. SIMMONS. I hope the Senator will adhere to that.

Mr. CHAMBERLAIN. I certainly will, if I can only have the Senator's assistance and presence here. In view of that, Mr. President, I request that the unfinished business be temporarily laid aside.

The VICE PRESIDENT. Without objection, it will be temporarily laid aside.

#### FEDERAL JUDGES.

Mr. SMITH of Georgia. I move that the Senate proceed to the consideration of Senate bill 706, to amend section 260 of an act entitled "An act to codify, revise, and amend the laws relating to the judiciary," approved March 3, 1911.

Mr. SMOOT. Mr. President, let me suggest to the Senator from Georgia that we take up the unobjected bills on the calendar under rule 8 and dispose of them, and then return to the bill referred to by him.

Mr. SMITH of Georgia. That, Mr. President, is an obstacle in the way of taking up bills that are objected to. I think a bill that is objected to is entitled to a hearing just as much as one that is not objected to.

Mr. SMOOT. I believe that is so; but—

Mr. SMITH of Georgia. I yielded last week, Mr. President, when there were several hours that I might have had, and the bill lost its place. I think this is the chance for us to have two hours and a half on this bill. I have said all I want to say, and I hope the Senators on the other side will express their objections.

Mr. SMOOT. I want to suggest to the Senator that there are 16 pages of bills on the calendar under Rule VIII. I do not believe it would take more than an hour and a quarter to consider the bills to which there is no objection.

Mr. SMITH of Georgia. I can not consent to that.

The VICE PRESIDENT. The Senator from Georgia moves that the Senate proceed to the consideration of Senate bill 706, the title of which will be stated by the Secretary.

The SECRETARY. A bill (S. 706) to amend section 260 of an act entitled "An act to codify, revise, and amend the laws relating to the judiciary," approved March 3, 1911.

Mr. SUTHERLAND. On that I call for the yeas and nays.

The yeas and nays were ordered, and the Secretary proceeded to call the roll.

Mr. CHAMBERLAIN (when his name was called). I have a general pair with the junior Senator from Pennsylvania [Mr. OLIVER]. In his absence I withhold my vote.

Mr. KERN (when Mr. FLETCHER's name was called). I desire to announce the unavoidable absence on official business of the senior Senator from Florida [Mr. FLETCHER], who is paired with the junior Senator from Idaho [Mr. BRADY]. This announcement may stand for the day.

Mr. SAULSBURY (when his name was called). I have a general pair with the junior Senator from Rhode Island [Mr. COLT], and therefore withhold my vote.

Mr. TILLMAN (when his name was called). Under an arrangement with the Senator from Michigan [Mr. TOWNSEND], I transfer my pair to his pair, and they stand paired, and therefore we are at liberty to vote. I vote "yea."

Mr. TOWNSEND (when his name was called). Under the statement made by the senior Senator from South Carolina [Mr. TILLMAN], I am at liberty to vote. I vote "nay."

The roll call was concluded.

Mr. CLARK of Wyoming. I desire to ask if the senior Senator from Missouri [Mr. STONE] has voted?

The VICE PRESIDENT. He has not.

Mr. CLARK of Wyoming. I transfer the pair I have with that Senator to the junior Senator from Maine [Mr. BURLEIGH] and will vote. I vote "nay."

Mr. GALLINGER (after having voted in the negative). Having a general pair with the senior Senator from New York [Mr. O'GORMAN], who has not voted, I withdraw my vote.

Mr. DILLINGHAM (after having voted in the negative). I withdraw my vote, as I observe that the senior Senator from Maryland [Mr. SMITH], with whom I have a pair, is not present.



Mr. CURTIS (after having voted in the negative). I desire to ask if the junior Senator from Georgia [Mr. HARDWICK] has voted?

The VICE PRESIDENT. He has not.

Mr. CURTIS. I withdraw my vote, having a pair with him. If at liberty to vote, I would vote "nay."

Mr. SUTHERLAND (after having voted in the negative). I have a pair with the senior Senator from Arkansas [Mr. CLARKE], who is absent. On that account I withdraw my vote.

Mr. GRONNA. I have a pair with the senior Senator from Maine [Mr. JOHNSON], which I transfer to the junior Senator from Nebraska [Mr. NORRIS] and will vote. I vote "nay."

Mr. CATRON (after having voted in the negative). I wish to inquire if the senior Senator from Oklahoma [Mr. OWEN] has voted?

The VICE PRESIDENT. He has not.

Mr. CATRON. I have a pair with that Senator, and therefore withdraw my vote.

Mr. HARDING. I wish to inquire if the junior Senator from Alabama [Mr. UNDERWOOD] has voted?

The VICE PRESIDENT. He has not.

Mr. HARDING. I withhold my vote.

Mr. SMITH of Michigan (after having voted in the negative). I transfer my pair with the junior Senator from Missouri [Mr. REED] to the senior Senator from Idaho [Mr. BORAH], and will allow my vote to stand.

Mr. OVERMAN (after having voted in the affirmative). I wish to inquire if the junior Senator from Wyoming [Mr. WARREN] has voted?

The VICE PRESIDENT. He has not.

Mr. OVERMAN. I have a pair with that Senator. I transfer that pair to the junior Senator from Louisiana [Mr. BROUSSARD], and will allow my vote to stand.

Mr. SMITH of Georgia (after having voted in the affirmative). I have a pair with the senior Senator from Massachusetts [Mr. LODGE]. I transfer that pair to the junior Senator from Arkansas [Mr. ROBINSON], and will allow my vote to stand.

Mr. CHILTON. I transfer my pair with the senior Senator from New Mexico [Mr. FALL] to the senior Senator from Texas [Mr. CULBERSON] and will vote. I vote "yea."

Mr. MYERS. I inquire whether the junior Senator from Connecticut [Mr. McLEAN] has voted?

The VICE PRESIDENT. He has not.

Mr. MYERS. I have a pair with that Senator. I transfer that pair to the junior Senator from Illinois [Mr. LEWIS] and will vote. I vote "yea."

Mr. THOMPSON. I have been requested to announce the unavoidable absence of the junior Senator from Louisiana [Mr. BROUSSARD] on official business.

Mr. OLIVER. I have a general pair with the senior Senator from Oregon [Mr. CHAMBERLAIN] and therefore withhold my vote. If I were at liberty to vote, I would vote "nay."

Mr. CURTIS. I have been requested to announce that the senior Senator from Pennsylvania [Mr. PENROSE] is paired with the senior Senator from Mississippi [Mr. WILLIAMS].

The result was announced—yeas 33, nays 22, as follows:

#### YEAS—33

Ashurst	Johnson, S. Dak.	Pittman	Taggart
Bankhead	Kern	Pomerene	Thomas
Beckham	Lane	Sharf	Thompson
Chilton	Lee, Md.	Sheppard	Tillman
Hitchcock	Martin, Va.	Shields	Vardaman
Hollis	Martine, N. J.	Simmons	Walsh
Hughes	Myers	Smith, Ga.	
Husting	Newlands	Smith, S. C.	
James	Overman	Swanson	

#### NAYS—22

Brandeggee	Jones	Page	Townsend
Clapp	Kenyon	Poindexter	Wadsworth
Clark, Wyo.	Lippitt	Sherman	Weeks
Cummins	Lodge	Smith, Mich.	Works
du Pont	McCumber	Smoot	
Gronna	Nelson	Sterling	

#### NOT VOTING—41.

Borah	Dillingham	Lewis	Saulsbury
Brady	Fall	McLean	Smith, Ariz.
Broussard	Fletcher	Norris	Smith, Md.
Bryan	Gallinger	O'Gorman	Stone
Burleigh	Goff	Oliver	Sutherland
Catron	Gore	Owen	Ward
Chamberlain	Harding	Penrose	Warren
Clarke, Ark.	Hardwick	Phelan	Williams
Coit	Johnson, Me.	Ransdell	
Culbertson	La Follette	Reed	
Curtis	Lea, Tenn.	Robinson	

So the motion was agreed to; and the Senate, as in Committee of the Whole, resumed the consideration of the bill (S. 706) to amend section 260 of an act entitled "An act to

codify, revise, and amend the laws relating to the judiciary," approved March 3, 1911.

Mr. TOWNSEND. Mr. President, I was not here the other day during the discussion by the senior Senator from Georgia [Mr. SMITH], but, as I understand it, this is what might be properly called a Democratic emergency bill, providing an opportunity for appointing 19 Federal judges, involving an additional cost, if they are all appointed, as I understand it, of \$124,000 to the already accumulating great deficiency.

I make this statement in order that we may start in properly with an understanding of the measure before the Senate as the discussion goes on.

Mr. CLARK of Wyoming. Mr. President, this bill is one to which I hesitate to address myself. It is a bill, notwithstanding the able argument made by the Senator from Georgia, about which there are very great differences—in the first place as to its constitutionality. But at this time I do not care to discuss that phase of it. I simply want to put before the Senate, as the Senator from Michigan [Mr. TOWNSEND] did, the exact import of the bill.

The difficulties at which the bill is apparently aimed are not arising now for the first time. They are inherent in our system. Those difficulties have been met from time to time in a manner that has been satisfactory thus far. That relief can still be afforded at this time. I think there is no Member of the Senate who is not willing, when a judge of the circuit court of appeals or a district judge is incapacitated for his duties and where he fails to avail himself of our retirement statute, that we shall provide by appropriate legislation for relief in that particular case. We have done it heretofore. There is no reason why we can not do it again. But here is a net thrown out over the entire judicial system of the United States save only the Supreme Court, and why it should stop at the Supreme Court, in view of the evident purpose of the bill, passes my comprehension.

This bill would have the exact effect stated by the Senator from Michigan [Mr. TOWNSEND]. By one act we place in the hands of the President of the United States the appointment of 19 additional judges if, in his judgment, the cause of justice may be better carried on. Now, why should we stop at 19? If it is proper to give the President this power to appoint additional judges when, in his view of the situation, the interests of justice demand additional judges, why not leave him free to appoint as many as he sees fit?

In Maryland and in various other districts we have made special provision that an additional judge shall be appointed, but that when a vacancy occurred the number of judges of the district should relate back to its original number, and the same in the circuit. Why not leave that as it is now? Simply because it becomes necessary to provide 19 additional places on the Federal bench in this year of grace 1916.

Mr. SMITH of Georgia. Will the Senator let me ask him a question?

Mr. CLARK of Wyoming. Certainly. I do not know that I can answer it.

Mr. SMITH of Georgia. What influenced Mr. Justice McReynolds, when Attorney General, three years ago in making the recommendation?

Mr. CLARK of Wyoming. We know about recommendations. I will ask the Senator from Georgia if he will vote for the additional recommendations that have been made by Attorneys General during the last 12 or 13 years?

Mr. SMITH of Georgia. I do not know what they are.

Mr. CLARK of Wyoming. I do not feel bound by a recommendation which is simply political in its effect. The Senator never would bring this bill before the Senate if there were in it a provision that not more than one-half of these judges should be appointed from one political party. Will he accept an amendment of that sort?

Mr. SMITH of Georgia. I would be glad to accept an amendment to the general judiciary law that not more than one-half the judges should be appointed from any political party.

Mr. CLARK of Wyoming. I will ask the Senator in regard to this particular bill.

Mr. SMITH of Georgia. I will as to this and as to the law generally.

Mr. CLARK of Wyoming. I shall call the attention of the Senator to that admission when the bill is up for amendment; and I hope those who collaborate with him on this bill will be as disinterested politically as the Senator from Georgia.

But, Mr. President, this is not an emergency measure, although it seems to be made so. It sets aside the Army bill; it sets aside the calendar of unobjected cases. It occurs to me that as to the emergency which the Senator says exists and

which everybody acknowledges does exist in some cases we can relieve those cases without passing a general bill of this sort.

It is an injustice, in the first place, upon the judges who are already upon the bench. It is an injustice because it takes from them some of the dignity and some of the authority which they now have and which they by right have. I can not see that the political necessity even exists for the passage of the bill at the present time.

Mr. SUTHERLAND. Mr. President, I suggest the absence of a quorum.

The VICE PRESIDENT. The Secretary will call the roll.

The Secretary called the roll, and the following Senators answered to their names:

Ashurst	Hitchcock	Martine, N. J.	Smith, S. C.
Bankhead	Hollis	Myers	Smoot
Beckham	Hughes	Nelson	Sterling
Brandagee	James	Newlands	Sutherland
Catron	Johnson, S. Dak.	Oliver	Swanson
Chamberlain	Jones	Page	Taggart
Chilton	Kenyon	Pittman	Thomas
Clapp	Kern	Poinexter	Thompson
Clark, Wyo.	Lane	Pomerene	Townsend
Cummins	Lee, Md.	Saulsbury	Vardaman
du Pont	Lippitt	Sheppard	Walsh
Gallinger	Lodge	Sherman	Warren
Gronna	McCumber	Shields	Weeks
Harding	Martin, Va.	Smith, Ga.	

The VICE PRESIDENT. Fifty-five Senators have answered to the roll call. There is a quorum present.

Mr. CLARK of Wyoming. Mr. President, it is not my desire to have the RECORD state anything except the facts of the debate. I understood the Senator from Georgia to say that he would be perfectly willing to accept an amendment to this bill providing that not more than one-half the judges to be appointed now under the bill should be from one political party, and I made a few remarks with that notion in mind.

Mr. SMITH of Georgia. That was not what I meant. What I meant and what I said was this—

Mr. CLARK of Wyoming. Mr. President, the Senator now informs me that he understood me to make such a statement based upon his supposed statement, and he informs me that he did not make the statement.

Mr. SMITH of Georgia. The statement that I made, Mr. President, was that I would be glad to see a provision of law which would not allow more than half the judges appointed to be from either party. I did not mean simply as to this amendment of the law. Just as soon as there is an equal number of circuit court judges from some other party than the Republican Party, then I would be glad to see the continuation of an equal division.

Mr. CLARK of Wyoming. Of course, I do not want to enter into any controversy with the Senator. I remember perfectly well the statement which he made, which I replied to at the time. I asked him if he would be willing to have that rule applied to the present case, and I understood him to answer that he would. The stenographer's notes, of course, will show what he said, but it does not matter, because I know the Senator would not be willing—

Mr. SMITH of Georgia. No.

Mr. CLARK of Wyoming. To have the appointments divided under this bill. I know that his purpose is to get 16 Democratic Federal judges, and perhaps he will get them.

Mr. SMITH of Georgia. I find that others around me understood me to have made that statement, and as I did not—

Mr. CLARK of Wyoming. I am not questioning the Senator's statement.

Mr. SMITH of Georgia. I did not intend to make it and it was not made. I went over to the Senator and asked him as to what he understood me to say, and I told him if my language indicated that, it was an inadvertence and it was not what I meant. I simply meant to say that I would be glad to see the general distribution as to the entire bench equalled. I did not mean that I would be willing, as to such judges as were appointed under this bill during the next 12 months, that half of them should be Republicans when three-fourths of the judges now are Republicans.

Mr. CLARK of Wyoming. The misunderstanding was not as to what the Senator meant but as to what he said. I misunderstood what he said. I knew very well all the time what he meant.

Mr. SMITH of Georgia. What I said was what I meant. [Laughter in the galleries.]

The VICE PRESIDENT. The Chair will not continuously remind the occupants of the galleries that they must be quiet during discussions on the floor of the Senate.

Mr. CUMMINS. Mr. President, I had assumed that the bill under consideration this afternoon would be continued during

the day, knowing its very great importance and the impatience of the people of the United States upon the subject to which it relates. I have in my office some material that I intended to use upon the debate of the bill which the Senator from Georgia has now brought before the Senate. I will not be able to use it at this moment, and must recall, as best I can, the essential facts with regard to our judicial system.

There are certain judges of the circuit court of appeals and certain other judges of the district court of the United States who ought to be removed from the offices they hold, not because of anything that they are doing, but because they are doing nothing. They are incapable by reason of physical infirmities for the performance of the duties which fall upon a judicial officer. I believe they can be removed if Congress would take the proper action and enact the proper procedure. I believe that if a judge of any court of the United States is incapable of rendering the service which his appointment requires and his office demands, and after the incapacity is manifest continues in the office, he is guilty of misconduct or misbehavior in office, and for such misconduct or misbehavior he can be removed. That is to say, the tenure of his office can be terminated and is terminated by the proper ascertainment of the fact of incapacity.

Some time ago I introduced a resolution directing the Judiciary Committee of the Senate to make an inquiry into this subject and report a proper procedure for the removal of Federal judges who were incapable of performing their duties. The resolution is now before the Judiciary Committee, and I assume that very soon the inquiry will be made and the procedure reported. I have a right to assume that it will be done because of the well-known celerity and promptness with which that committee considers all matters that are referred to it. I had hoped that the Senator from Georgia and other friends of the bill now under consideration would defer any effort to debate it until the inquiry I have suggested could be made and until the Senate could have an opportunity to pass upon the wisdom and legality of the report that will follow the inquiry.

It must be manifest to all Senators that it is infinitely better to remove in a lawful way judges who have become incapable of giving service to the public, whether those judges be 40 years of age or 70 years of age, than to attempt in the manner that is provided in the bill before us to remove, through legislative enactment and through an unauthorized delegation of power to the President of the United States, judges against the plain command and mandate of the Constitution.

I have often observed very dangerous approaches to the confines of the Constitution; some of those approaches are now before the Senate; but, so far as I remember, the ventures which touch the limit of our constitutional power are always undertaken in order to accomplish some wise, worthy, necessary, humane purpose. That is not true of this bill. It violates the Constitution of the United States plainly in two particulars, and for what object? In order that certain judges who may or may not have become incapacitated for work may be retired by the order of the President whenever he believes it is for the public good.

I hope that the Senate will be exceedingly deliberate in considering a question of that kind. I know the situation of the circuit in which the distinguished Senator from Georgia [Mr. SMITH] lives; I think it is known to all the members of the Judiciary Committee, and possibly to all the Members of the Senate. I believe with him that one at least of the judges of the circuit court of appeals in that circuit should resign and give opportunity for the appointment of an able-bodied man. In so saying it must not be understood that I am in the least degree criticizing the eminent judge, who has through a third of a century or more administered justice in the southern country with as fine a sense of fairness and equity as can be found in the annals of jurisprudence. The fact just stated, however, does not warrant the Senator from Georgia, in my opinion, in making the attempt to secure additional judicial force in that circuit in the way provided in this bill.

With these preliminary remarks, which will indicate, I am sure, my general view of the subject, I beg the attention of the Senate anew to some of the provisions of the measure. I hope the Senator from Georgia and all other Senators will understand that I am not dealing with this subject in a political way or viewing it from a political standpoint. I hope that my colleagues will believe that I would be as firmly and persistently opposed to the bill had we a Republican President as I am under a Democratic President. Those considerations do not affect my judgment in the least degree.

I am opposed to the measure, because, first, I believe it to be in direct contravention of two of the most vital parts of the Constitution; and, second, because, if it were constitutional, it



would be in the highest respect unwise to invest an executive officer with the power which this bill proposes to bestow upon the President of the United States.

Senators have already been advised that we have at the present time several judges who are beyond the age of 70 years, and who might resign with full compensation, and that within the next year many other judges will have passed beyond the age of 70 years. So that it is said—and I have verified the statement with some examination—that in the next year, if the President thought it for the public good, he could practically retire something like 19 Federal judges and appoint as many in their stead.

One of the peculiar things about this measure is that it does not apply to the Supreme Court of the United States. I have often wondered why the author of the bill did not extend it to the Supreme Court if it is wise to make the provision here made for the circuit courts of appeal and for the district courts. The Supreme Court of the United States is constitutionally as vulnerable to the attack made upon the judiciary in the bill as is either the circuit court of appeals or the district court. If a judge who has passed beyond the age of 70 years, and refuses to resign, or does not resign, ought to be retired, and if his judicial power, no matter what may be his physical and mental condition, should be taken away from him, the reason is as potent in its application to the Supreme Court as it is to any other Federal court.

Mr. SUTHERLAND. Mr. President, may I ask the Senator from Iowa a question?

The VICE PRESIDENT. Does the Senator from Iowa yield to the Senator from Utah?

Mr. CUMMINS. I yield.

Mr. SUTHERLAND. I ask the Senator from Iowa whether or not the reason in the case which he is supposing would not be stronger as applied to the Supreme Court, because there is a certain degree of flexibility in the circuit court of appeals and in the district court; that is, the judges are to a certain extent interchangeable. If a judge upon the bench of the circuit court of appeals is incapacitated, a district judge may be called to take his place and may sit upon the circuit court of appeals; if a district judge is incapacitated, another district judge may be assigned to take his place; but no such condition exists as to the Supreme Court of the United States. Nobody else can be called into that court. So, if there are degrees in a matter of that kind, I ask the Senator from Iowa whether he does not think the reason would be stronger in favor of such legislation as to the Supreme Court?

Mr. CUMMINS. Undoubtedly, Mr. President, the observation of the Senator from Utah has great weight, and I was about to touch upon that phase of the subject. The remark I had made was that, constitutionally speaking, the Supreme Court of the United States can be dealt with in precisely the same way as the circuit court or the district court can be dealt with. From the other point of view, that of policy, there is, as the Senator from Utah has stated, a much more persuasive reason for at all times keeping the Supreme Court full of able-bodied men under 70 years of age than exists with regard to the other Federal courts.

I hardly dare to suggest the reason—and it is a pure conjecture on my part—but I have sometimes thought it was a wholesome fear of the Supreme Court of the United States that kept that exalted tribunal out of the purview or operation of the proposed law. I can understand this reasoning in the minds of some Senators who have considered this bill—not that the reasoning has been expressed to me—but I can imagine that they are thinking that it might be easier to sustain the constitutionality of the act if the Supreme Court were omitted from it than it would be if the Supreme Court were included in it; and I rather admire the discretion on the part of those who have favored the bill in hesitating to excite the animosity of that great tribunal. I can understand how it might be thought by some Senators that the Supreme Court would look with greater favor upon the bill in its present form, because there are members upon the Supreme Court of the United States who are more than 70 years of age and who could at this time resign, and some of them could have resigned long ago, under the generous provisions of the legislation giving them their full salaries during their lives. I do not believe that the people of this country want the justices of the Supreme Court who are above 70 years of age to retire compulsorily. I know, and the Senator from Georgia knows, that some of them have rendered their most notable service after they passed the landmark which, under the laws of the country, gave them the right to cease work.

Mr. SHERMAN. Mr. President—

The VICE PRESIDENT. Does the Senator from Iowa yield to the Senator from Illinois?

Mr. CUMMINS. I yield to the Senator from Illinois.

Mr. SHERMAN. The Senator was speaking of the Supreme Court. Has the Senator the data before him of the ages of the justices of the present Supreme Court?

Mr. CUMMINS. That is one of the matters of which I spoke in the beginning. I have that information on my table in my office. I think, however, that I could state the ages of those who have passed 70 years, but I hesitate to do so.

Mr. SHERMAN. I will do so in order to incorporate it in the RECORD, if the Senator will permit me.

Mr. CUMMINS. Very well; I will be very glad if the Senator from Illinois will do so.

Mr. SHERMAN. There are three of the justices of the Supreme Court now who have passed the age, according to this bill, of judicial usefulness. There is one of them who soon will reach the age of three score years and ten. The Chief Justice of the Supreme Court, I may add, with the Senator's permission, is now 71 years of age, and, according to the contentions of some, ought to be retired if constitutional power will permit Congress to do so; an associate justice is now 73 years of age, and has reached that point of disability, because of the mere lapse of time, when, under this bill, he ought long ago, in keeping with official and judicial decency, to have retired. Another one, to make it a still more potent argument, is in his seventy-fifth year.

Mr. CUMMINS. Mr. President, I am very glad the Senator has made the statement, but I hope that all Senators will remember that I can yield only for questions, as I desire to continue this discussion.

Mr. SUTHERLAND. I should like to ask the Senator from Iowa a question.

Mr. CUMMINS. I yield for a question.

Mr. SUTHERLAND. In view of what has already been said, does the Senator from Iowa remember the age at the time of his death of the Chief Justice who came from the State of the Senator from Illinois, Chief Justice Fuller?

Mr. CUMMINS. I do not remember his age precisely, but I know he was much beyond 70 years when he died.

Mr. SUTHERLAND. My recollection is that he was well up toward 80 years of age at the time of his death.

Mr. CUMMINS. Mr. President, it is a false rule to apply to the judiciary, for very many of our judges in the long and honorable history of the judicial system of our country have performed their very best work after they had passed the age of 70. It may be assumed that such men are on the downward side of life, and it ought not to be surprising if some of them fall in their mental and physical strength; but the procedure for removal should be directed not to age, it should be directed to the man. If he has become feeble mentally or physically and unable to do his work, then he ought in some way to be removed, with the pension or compensation which this country very properly bestows upon her faithful servants; but if he is 71 or 72 or 73 years of age and is still strong mentally and physically and capable of rendering the service which he was appointed to render it is a refined cruelty, it is an exaggerated injustice to compel him to retire in the ignominious and humiliating way which this bill provides for his retirement. The method employed in the bill is infinitely worse than straightforward legislative removal.

Senators will remember that the plan of the bill is this, that when the new judge is appointed, after the President finds that the public good requires his appointment, the old judge continues nominally as a judge and nominally entitled to a seat in the court, but his honors are taken away from him; the new judge is given precedence and the old judge is permitted to do only those things which are specifically assigned him to do by either the circuit court of appeals in the one case or the Supreme Court of the United States in the other.

I can imagine the mortification felt by a judge who has held with honor and distinction a place in the public service for 25 years or more upon being superseded by the entrance of a new appointee and being retired in the uncertain, vague way which is prescribed in this bill. But let me refer a little more carefully to the provisions of the bill, for it may be that I am assuming too much when I take it for granted that every Senator who hears me has read the bill.

Mr. KENYON. Mr. President, before my colleague leaves the point on which he was speaking I want to ask him a question about it. The bill recites:

And the judge so entitled to resign shall thenceforth be relieved, save as hereinafter provided, from the duty imposed by section 118 of this title to sit as one of the judges of said circuit court of appeals, and shall be held and treated as if junior in commission to the remaining judges of said court, who shall, in the order of the seniority of their respective commissions, exercise such powers and perform such duties as by law may be incident to seniority.

What does that mean? What are the duties incident to seniority? What is the new judge to do, and what is left for the old judge to do?

Mr. CUMMINS. There is nothing left for the old judge to do at all save to try a case here or there which may be specifically assigned to him to try. The incidents attaching to seniority, I take it, are those of presiding over the court—that is, in the circuit court of appeals in the fifth circuit, we will say, Judge Pardee is the presiding justice of the circuit court of appeals, but if this bill were to pass and a new judge were appointed, Judge Pardee would instantly lose the position of presiding justice and would become the junior of all the judges of that circuit and would be subject to the orders of the new presiding judge.

Mr. KENYON. Does my colleague not think that that is merely a polite or an impolite invitation to resign, and does he not think that the right to resign is about all the right any self-respecting judge has left?

Mr. CUMMINS. It strains my disposition toward accuracy to admit that it is a "polite way." I am rather inclined to think that it is a very impolite and abrupt way to ask these judges to resign.

Mr. STONE. Mr. President, will my friend let me make an observation at this point?

Mr. CUMMINS. I will yield to the Senator for a question.

Mr. STONE. In a sense it is a question.

Mr. CUMMINS. I yield for that purpose.

Mr. STONE. Both Senators from Iowa have just referred to the humiliation which might result to a judge who, under the provisions of this bill, would be impliedly invited to resign or upon whom limitation in the exercise of his judicial power might be placed to his humiliation. This thought is the one to which I wish to direct the attention of the Senator. No one else, no other official holding office under the laws of the United States, except a Federal judge, holds for life or can retire on full pay.

That is a very exceptional favor conferred upon our judges. It has not been very long since a very distinguished man represented the great State of Iowa in this body, whose term here extended over 30 years, and whose service here was especially distinguished in every way that tended to the public good as he saw it. He died of old age. He could not have retired, after more than 30 years of a great service to his country in this body, on full pay or on half pay. But a judge who has served a third of that time, when he has reached the retiring age, can go back to private life, and all the days of his years remaining draw from the Treasury what he would have drawn if he had continued in office. I say, it is a very exceptional favor that we pay to the men who are appointed to the bench, and which does not apply in any other branch of the public service; and other branches of the public service are just as useful to the public interest and welfare.

The thought I present to the Senator is this: When a man who holds a judicial position reaches the point where he can be retired, and who, if he is capable of any kind of intelligent consciousness of his own condition, must know that he can not discharge the duties of his office because of disabilities, physical, mental, or whatever they may be, and yet refuses to take advantage of this exceptional favor which the laws of the country give to him, is it a humiliation to him if the Congress of the United States, the men who make the laws in this body, many of whom render fully as important service to the Nation as he, and enjoy no such favors as he, see proper to say that if he refuses to surrender his office either he shall be required to surrender it, or some one else shall be substituted to discharge the substantial duties of that place?

I think, Mr. President, if the Senator pleases, that the service of the Nation is entitled to some consideration while we are taking care of the sensitiveness of some judicial officer.

Mr. CUMMINS. Mr. President, it is absolutely impossible to differ from the views just expressed by the Senator from Missouri, and if he had been here when I began my discussion of the bill he would have known that I hold the same opinion that he has expressed so much better than I could possibly express it. I agree with the Senator from Missouri that when a judge, whether he is 70 years of age or 40 years of age, whether he is entitled to retire upon full pay or not, becomes incapable of doing the work of his office he ought to be removed from his office, for the people are entitled to a man so qualified, both mentally and physically, that he can perform the full measure of the work allotted to a judge. The difficulty with the bill, however—and I suspect the Senator from Missouri is not familiar with it—is that it gives the President the power to retire the judge, no matter what his physical or mental condition may be, if he has passed the age of 70 years.

Mr. STONE. I did not understand that,

Mr. SMITH of Georgia. I think the Senator's statement is rather extreme. It may give him the power, but if he—

Mr. CUMMINS. If the Senator from Georgia will allow me just a moment, I will yield to him. The principle of the bill, if established, will authorize Congress, in turn, to delegate to the President the power to retire in the same way a man of 30 years of age, or 40, or 50. The fact that the limitation in the bill is 70 years of age is not important, so far as the principle is concerned.

Now, I will show the Senator from Missouri that I am right, with regard to the matter of which I spoke. It is assumed that this applies only to judges more than 70 years of age, and who could retire upon full pay:

In the event any circuit judge, having so held a commission or commissions at least 10 years continuously, and having attained the age of 70 years, as aforesaid, shall nevertheless remain in office, the President, if in his opinion the public good so requires, may appoint—

There is no standard of judgment upon the part of the President. Whenever he thinks that the public good requires the retirement of a particular judge he may appoint his successor, if the judge in office is more than 70 years of age and has been in office more than 10 years.

The Senator from Missouri had in mind that it was wise policy to retire a judge who had become unable, through physical or mental infirmities, to perform the work of his office; and with that conclusion, I think, no man can differ. But is the Senator from Missouri willing to say that instead of requiring the President or any other tribunal to find that the particular judge is incapable of work, if he shall find simply that the public good would be promoted, the judge then should be retired?

Mr. SMITH of Georgia. Mr. President, will the Senator yield to me for a moment?

Mr. CUMMINS. I do not say that the President we now have would be guilty of any such injustice; but we might have a President who would think that the opinions of a particular judge were so inconsistent with his sense of the public welfare that he ought to be retired; and this bill would enable the President to retire any judge above the age of 70 years if he differs with him with respect to his judicial opinions.

I now yield to the Senator from Georgia.

Mr. SMITH of Georgia. The Senator was not in the Chamber when I discussed this bill, and when I suggested to the Senate the substitution for the language used this language:

If, in his opinion, the more efficient administration of the business of the court so requires.

Mr. CUMMINS. Mr. President, I think that would be simply a paraphrase of the language now in the bill; and even if it were adopted it would not avoid the objection I am trying to establish.

Mr. SMITH of Georgia. If the Senator will allow me, I stated at the time that I considered that was what the language in the bill now meant; but, lest there might be some doubt about it, I suggested the insertion of this substitute. I myself think the present language means practically the same thing.

Mr. CUMMINS. If the Senator from Georgia will so amend the bill as to create a tribunal before which the question of incapacity can be tried and determined, providing that upon the determination against the judge complained of he shall be removed from office, I will join with him in the endeavor to pass such a measure, for I think it is within our constitutional power to do it, and I think it would be very wise to do it.

Mr. SMITH of Georgia. The Senator's idea is to remove them from office upon the ground of lack of good behavior, and leave them with no compensation at all, as I understand?

Mr. CUMMINS. Certainly. It makes no difference to me about compensation. I think the policy of the law to pension our judges of long service is wise, but the first consideration is the public. The public which pays has a right to full service from the person it is paying; and the moment a judge, however unfortunate he may be, and however free from blame he may be, becomes incapable of doing the thing for which the public pays him, he ought to be removed.

Mr. POMERENE. Mr. President—

The VICE PRESIDENT. Does the Senator from Iowa yield to the Senator from Ohio?

Mr. CUMMINS. I yield to the Senator from Ohio.

Mr. POMERENE. Would the Senator, by that proposed legislation, prevent a man from receiving a salary as a Senator and also at the same time a salary as a retired judge?

Mr. CUMMINS. Mr. President, if I could accurately remember my Shakespeare, I would venture to quote a single couplet:

Thou canst not say I did it; never shake  
Thy gory locks at me.



I am no more in sympathy with that—

Mr. POMERENE. Mr. President, I have known the distinguished Senator from Iowa for quite a number of years, and I was quite aware of the fact that he had never had any experience on the bench, and therefore I did not charge him with having—

Mr. CUMMINS. I know perfectly well to whom the Senator from Ohio refers, and I must decline to draw his affairs into this very interesting debate.

Mr. SUTHERLAND. Mr. President, I should like to ask the Senator from Iowa why he thought the Senator from Ohio had gory locks? [Laughter.]

Mr. CUMMINS. That is just what embarrassed me when I came to quote this couplet and I looked across at my friend from Ohio and observed how inappropriate the quotation would be.

Mr. POMERENE. I did not think my friend from Utah would refer to my lack of locks. [Laughter.]

Mr. CUMMINS. If I have answered the Senator from Missouri—and I really intended to do it—I now proceed with the development of the bill. I am very anxious that the RECORD shall show just what it is, and I intend to read it, or certain parts of it, and comment upon it as I proceed.

The first section, which is a reenactment of section 260 of the laws relating to the judiciary, reads:

When any judge of any court of the United States, appointed to hold his office during good behavior, resigns his office, after having held a commission or commissions as judge of any such court or courts at least 10 years continuously, and having attained the age of 70 years, he shall, during the residue of his natural life, receive the salary which is payable at the time of his retirement for the office that he held at the time of his resignation.

What I have just read is the law at the present time. There is no change in those respects.

The section then proceeds:

In the event any circuit judge, having so held a commission or commissions at least 10 years continuously, and having attained the age of 70 years as aforesaid, shall nevertheless remain in office, the President, if in his opinion the public good so requires, may appoint, by and with the advice and consent of the Senate, an additional circuit judge of said circuit—

I pause a moment at that point to suggest that Congress has no constitutional power to confer the authority here mentioned upon the President of the United States. This bill is to take effect as to any particular judge or circuit when, in the opinion of the President, the public good requires it. Is it possible that Congress can delegate to an executive officer the authority to put into operation a law when, in his opinion, the public good requires it?

I am quite familiar, I think, with those authorities or cases which the Senator from Georgia has in mind; but inasmuch as I am not equipped with the decisions, having been drawn suddenly into the debate, I am not prepared to read from them, and to draw those distinctions which surely exist between this case and the cases in which the President can find a fact, which, being so found, puts into operation a law of Congress.

Under this bill the President is not required to find a fact. He is required to utter an opinion. What is necessary for the public good is always an opinion. If anyone doubts that, let him remember what takes place in the Senate every day it is in session. I assume that all Senators debate bills and thereafter vote according to their opinions of the public good. Will anyone contend that when I stand here and say that in my opinion the public good requires the defeat of this bill I have found or stated a fact? Yet that is precisely what the President is authorized to do. I am doing what I can to convince the judgments of my brother Senators that this bill is contrary to the public good, but I would not venture to assert that my argument or my conclusion upon it could be regarded as a fact.

Therefore, inasmuch as it is acknowledged that we can not delegate to the President the authority to put into operation a statute of the United States whenever he looks upon it or regards it as for the public good, the unconstitutionality of this bill is just as apparent as the sun will be to us if we ever have a fair, clear day, which I am beginning to doubt.

I ask the Senators who have reflected upon the measure this question: Suppose we were to pass—as we will in a few days—the military reorganization bill, and we were to add, as a last section:

This bill, after it is passed by Congress and approved by the President, shall be put into operation whenever the President thinks the public good requires it, and shall be suspended whenever he thinks the public good requires it—

And so on ad infinitum. The illustration shows more clearly than any volume of argument that we can not confer upon the President the legislative power of determining what is good for the public welfare. It is not a part of the Executive authority. The Congress of the United States determines what is good and what is not good for the public interest, and it

can not delegate that authority to any other branch of the Government.

But that is only the first collision with the Constitution. This bill has the peculiar distinction of colliding with that charter of our liberties at more than one point. I read:

Who—

Speaking of the judge who is to be appointed—

notwithstanding the incumbency of the judge so entitled to resign, shall sit customarily as one of the judges of the circuit court of appeals of his circuit. And the judge so entitled to resign shall thenceforth be relieved, save as hereinafter provided, from the duty imposed by section 118 of this title to sit as one of the judges of said circuit court of appeals, and shall be held and treated as if junior in commission to the remaining judges of said court, who shall, in the order of the seniority of their respective commissions, exercise such powers and perform such duties as by law may be incident to seniority.

We have seen what place the new judge is to take in the court. Now let us see what happens to the old judge:

Provided, That the presiding judge of the said circuit court of appeals, whenever in his judgment the public good shall so require, may thereafter, from time to time, designate the judge so entitled to resign to sit upon the hearing of any cause or causes in the said circuit court of appeals. And the Chief Justice of the United States may, upon like occasion, thereafter designate and appoint any such circuit judge so entitled to resign to service upon the circuit court of appeals of any other circuit; and he may likewise be designated and appointed, as provided by section 18 of this title, to hold a district court in any district, either within or without his said circuit.

Those who have followed the reading of the paragraph which I have just quoted will observe that after the appointment of the new judge the old judge can do nothing whatsoever unless some duty is specially designated for him by the presiding judge of the circuit court of appeals or by the Chief Justice of the United States. His authority after that time is limited to the commissions which may be imposed upon him, not by the law but by one or the other of these judges. He can do nothing—neither try a case nor sign an order nor perform the least of the functions of a judge—unless he is authorized to do it by the designation of the presiding judge of the circuit court of appeals or the Chief Justice of the United States.

I beg that Senators will observe that condition, because it furnishes the foundation for the proposition I am about to make. The bill not technically but in fact retires the judge from his judicial office. It deprives him of the power which under the law he was authorized to exercise when he was appointed by the President and confirmed by the Senate. The Constitution of our country says that the judge so appointed and commissioned shall hold his office during good behavior. Nothing has been found to impeach his good behavior in the operation of the bill to which I have referred, and the appointment of the new judge by the President and the finding that the appointment is required by the public good robs the judge appointed under the Constitution, and entitled to all its protection, of the powers of his office and removes him from the office as effectually as though it had been done by impeachment or by some other procedure which determined that there had been misconduct or misbehavior in office. Is it asserted that Congress in the first instance and the President in the second instance can remove or retire a judge appointed under the Constitution from his office unless he is guilty of misbehavior or has been found to have committed high crimes and misdemeanors? No; there is no lawyer who will so declare.

My distinguished friend from Georgia finds constitutional ground for this bill, as I understand it, in the thought that the retirement of the judge or the disposition of the judge in the manner I have read is not the equivalent of a removal from his office, that he continues still to hold the title of judge, and that consequently the Constitution is not invaded. These are not the days to consider form rather than substance. There may have been a generation that would have given some attention to a technicality of that sort, but if there was, the generation has gone, and very happily and fortunately gone, and in these times we look to substance. Whoever seeks to sustain the position that we may deprive a judge of all his functions, take away from him all the power that the office confers upon him or all that inheres in the office, and still claim that he has not been removed or that he is still a judge, will have undertaken a most difficult task. I can not agree to it. I can not concur in any such conclusion.

The remaining part of the bill I need not read, for it relates to the district judges and it makes exactly the same provision for the district courts and judges which I have read respecting the circuit court of appeals.

Mr. President, I have so great confidence in the sincerity of the Senator from Georgia, I have so great respect for his legal learning, and I feel so sure that he desires nothing but the public welfare, that I appeal to him not to wreck the Constitution, not to overthrow a policy as old as the Government

itself and that has maintained itself in the confidence of the people, in order to reach a very worthy object.

What he desires is another circuit judge in the fifth circuit, and I for one, as he knows, am willing to give it to him, for I have become familiar with the conditions of that circuit, and can not question his statement to the effect that owing to age and infirmity on the part of one of the circuit judges the people in that part of the country are in danger of being denied the prompt administration of justice. I think he would find among the Senators upon this side of the Chamber general concurrence in the views I have expressed, and I sincerely commend that course to him.

Mr. SUTHERLAND. Mr. President, I think, if this important bill is to proceed further to-night, we should have a quorum present. I suggest the absence of a quorum.

The VICE PRESIDENT. The Secretary will call the roll.

The Secretary called the roll, and the following Senators answered to their names:

Brandegge	James	Overman	Smith, Ga.
Chamberlain	Johnson, S. Dak.	Page	Smith, S. C.
Chilton	Jones	Pittman	Smoot
Clapp	Kenyon	Polindexter	Sterling
Clark, Wyo.	Kern	Pomerene	Stone
Cummins	Lippitt	Saulsbury	Sutherland
Dillingham	McCumber	Shafroth	Swanson
Gallinger	Martin, Va.	Sheppard	Taggart
Hitchcock	Martine, N. J.	Sherman	Tillman
Hollis	Myers	Shields	Vardaman
Hughes	Nelson	Simmons	Wadsworth

The VICE PRESIDENT. Forty-four Senators have answered to the roll call. There is not a quorum present.

Mr. KERN. Let the Secretary call the absentees.

The VICE PRESIDENT. The Secretary will call the roll of absent Senators.

The Secretary called the names of absent Senators.

The VICE PRESIDENT. Forty-four Senators have answered to the roll call.

Mr. SUTHERLAND. I move that the Senate adjourn.

Mr. STONE. Mr. President—

The VICE PRESIDENT. The Senator from Utah moves that the Senate adjourn.

The motion was not agreed to.

Mr. STONE. I move that the Sergeant at Arms be directed to request the presence of absent Senators.

The motion was agreed to.

The VICE PRESIDENT. The Sergeant at Arms will carry out the instructions of the Senate.

Mr. WALSH, Mr. RANDELL, Mr. LANE, Mr. SMITH of Michigan, Mr. OLIVER, and Mr. WARREN entered the Chamber and answered to their names.

The VICE PRESIDENT. Fifty Senators have answered to the roll call. There is a quorum present.

Mr. STONE. I move that further proceedings under the order of the Senate be vacated.

The motion was agreed to.

#### MESSAGE FROM THE HOUSE.

A message from the House of Representatives, by J. C. South, its Chief Clerk, announced that the Speaker of the House had signed the following enrolled bills, and they were thereupon signed by the Vice President:

H. R. 8493. An act granting pensions and increase of pensions to certain soldiers and sailors of the Civil War and certain widows and dependent children of soldiers and sailors of said war;

H. R. 13043. An act making appropriations to supply further additional urgent deficiencies in appropriations for the fiscal year 1916 and prior fiscal years; and

H. R. 13768. An act making appropriations to supply urgent deficiencies in appropriations for the Military Establishment for the fiscal year 1916.

#### PETITIONS AND MEMORIALS.

The VICE PRESIDENT. The Chair presents petitions from the Pedro Cintron, of Patillas; the congregation of the Methodist Church of Carnerio; the Methodist Brotherhood Albion, No. 1334, of Guayama; and the congregation of the Methodist Episcopal Church of Vieques, in the island of Porto Rico, praying for prohibition in that island. The petitions will be referred to the Committee on Pacific Islands and Porto Rico.

Mr. POINDEXTER presented petitions of T. E. Wylie and sundry other citizens of Seattle; of C. C. Bishop and sundry other citizens of Everett; of Mrs. Charles Hepner and sundry other citizens of Shelton; and of D. G. Wallace and sundry other citizens of Puyallup, all in the State of Washington, praying for national prohibition, which were referred to the Committee on the Judiciary.

He also presented memorials of Chris Foss and sundry other citizens of Mica; of H. Sorenson, Mr. and Mrs. R. Raddas, and sundry other citizens of Rockford; of Peter Larson and sundry other citizens of Hillyard; of J. F. Ogden and sundry other citizens of Farmington; of William Haslett and sundry other citizens of Greenacres; and of Arthur H. Grammar and sundry other citizens of Spokane, all in the State of Washington, remonstrating against the enactment of legislation to make Sunday a day of rest in the District of Columbia, which were ordered to lie on the table.

He also presented memorials of Mr. and Mrs. R. Raddas, of Rockford; of Mrs. Margaret Otis and sundry other citizens of Hillyard; of Aksel Stai and sundry other citizens of Spokane; of Dr. Ada M. Jayne Weaver, of Seattle; and of Adam Zickler, J. D. Eastman, and sundry other citizens of Wilson Creek, all in the State of Washington, remonstrating against the enactment of legislation to limit the freedom of the press, which were referred to the Committee on Post Offices and Post Roads.

He also presented a petition of the Woman's Century Club, Incorporated, of Seattle, Wash., praying for the enactment of legislation to prohibit interstate commerce in the products of child labor, which was referred to the Committee on Interstate Commerce.

Mr. WORKS presented petitions of sundry citizens of Berkeley, Cal., praying for the enactment of legislation to prohibit interstate commerce in the products of child labor, which were referred to the Committee on Interstate Commerce.

Mr. NELSON presented petitions of sundry citizens of Minnesota, praying for national prohibition, which were referred to the Committee on the Judiciary.

He also presented a memorial of the St. Croix County Union, of the American Society of Equity, of Cylon, Wis., remonstrating against the enactment of legislation to prohibit interstate commerce in convict-made goods, which was referred to the Committee on Education and Labor.

Mr. HUGHES presented petitions of sundry citizens of Passaic, Hopewell, Hackensack, Pemberton, Roselle, Mercer, and Belleville, all in the State of New Jersey, praying for national prohibition, which were referred to the Committee on the Judiciary.

He also presented memorials of sundry citizens of Atlantic City, N. J., remonstrating against the enactment of legislation to limit the freedom of the press, which were referred to the Committee on Post Offices and Post Roads.

Mr. WADSWORTH presented a memorial of sundry citizens of Medina, N. Y., remonstrating against the enactment of legislation to provide for the closing of barber shops in the District of Columbia on Sunday, which was ordered to lie on the table.

He also presented a petition of sundry citizens of Ithaca, N. Y., praying for Federal censorship of motion pictures, which was referred to the Committee on Education and Labor.

Mr. LODGE presented a memorial of the Massachusetts State Branch of the Woman's Peace Party, remonstrating against an attempt by the United States to acquire any of the territory of Mexico, which was referred to the Committee on Foreign Relations.

#### REPORTS OF COMMITTEES.

Mr. THOMAS, from the Committee on Finance, to which was referred the bill (S. 3526) to amend an act entitled "An act to provide for the registration of, with collectors of internal revenue, and to impose a special tax upon all persons who produce, import, manufacture, compound, deal in, dispense, sell, distribute, or give away opium or cocoa leaves, their salts, derivatives, or preparations, and for other purposes," reported it with amendments and submitted a report (No. 316) thereon.

Mr. POMERENE, from the Committee on Foreign Relations, to which was referred the bill (S. 3606) for the relief of the contributors of the Ellen M. Stone ransom fund, reported it without amendment.

#### BILLS INTRODUCED.

Bills were introduced, read the first time, and, by unanimous consent, the second time, and referred as follows:

By Mr. CATRON:

A bill (S. 5311) for the relief of J. L. Campbell and others; to the Committee on Public Lands.

By Mr. POMERENE:

A bill (S. 5312) granting an increase of pension to Lieut. Col. James F. Charlesworth; to the Committee on Pensions.

By Mr. CLAPP:

A bill (S. 5313) relating to the building of highways and assessment of benefits and damages adjoining Indian allotments; to the Committee on Indian Affairs.



By Mr. ROBINSON:

A bill (S. 5314) for the relief of John W. Fein; to the Committee on Claims.

By Mr. CUMMINS:

A bill (S. 5315) to correct the military record of Jerome Chilson (with accompanying papers); to the Committee on Military Affairs.

#### EXECUTIVE SESSION.

Mr. STONE. I move that the Senate proceed to the consideration of executive business.

The motion was agreed to, and the Senate proceeded to the consideration of executive business. After 10 minutes spent in executive session the doors were reopened, and (at 5 o'clock and 28 minutes p. m.) the Senate adjourned until to-morrow, Thursday, March 30, 1916, at 12 o'clock meridian.

#### NOMINATIONS.

*Executive nomination received by the Senate March 29 (legislative day of March 28), 1916.*

##### POSTMASTER.

##### MISSOURI.

Baylis Steele to be postmaster at Kansas City, Mo., in place of J. H. Harris, resigned.

#### CONFIRMATIONS.

*Executive nominations confirmed by the Senate March 29 (legislative day of March 28), 1916.*

##### POSTMASTERS.

##### CALIFORNIA.

Ora A. Woods, Winters.

##### COLORADO.

L. F. Allen, Littleton.  
Minnie Johnson, Cortez.

##### CONNECTICUT.

Nelson M. Watson, Kent.

##### GEORGIA.

John H. Boone, Hazlehurst.  
William E. Dunham, Cochran.  
J. G. Hicks, Reynolds.  
Robert Hutchinson, Lagrange.  
M. M. McCranie, Sparks.

##### HAWAII.

William C. Irwin, Waialua.

##### INDIANA.

Emmett Scanlon, Boswell.

##### KANSAS.

F. N. Adam, Longton.  
George W. Edwards, Alta Vista.  
W. A. Morgan, Burrton.  
Charles V. Parrott, Colby.  
Bessie M. Williams, Belle Plaine.

##### MARYLAND.

William H. Jacobs, Aberdeen.

##### MISSISSIPPI.

Harry B. Brooks, Merigold.  
Sallie Temple, Wesson.

##### MISSOURI.

Baylis Steele, Kansas City.

##### MONTANA.

Nathalie Patton, Malta.  
A. C. Sipe, Broadview.

##### NEW JERSEY.

John A. Campbell, Highwood.  
George Whetham, Haskell.

##### NEW MEXICO.

T. F. Gorman, Tucumcari.

##### NEW YORK.

Maurice A. Borden, Liberty.  
Homer Brownell, Northville.  
Frederick W. Schadt, Jeffersonville.  
Mark A. Sweeney, Valley Falls.

##### NORTH DAKOTA.

Wallace W. O'Hara, Neche.

##### OHIO.

Homer G. Hansel, Logan.  
H. H. McFadden, Steubenville.  
John E. McFarland, Dresden.

##### SOUTH DAKOTA.

F. M. Crain, Redfield.  
C. W. Martens, Milbank.  
Edward McDonald, Deadwood.  
James M. Rasmussen, Viborg.

##### UTAH.

Heber J. Sheffield, jr., Kaysville.

##### VIRGINIA.

William J. Kearney, Phoebus.

##### WASHINGTON.

S. Douglas Martin, Friday Harbor.

### HOUSE OF REPRESENTATIVES.

WEDNESDAY, March 29, 1916.

The House met at 12 o'clock noon.

The Chaplain, Rev. Henry N. Couden, D. D., offered the following prayer:

We bless Thee, Almighty God our heavenly Father, for the faith which holds us close to Thee when the clouds of sorrow and adversity come thick and fast about us, when friends deceive us, and hopes grow dim, but above all do we thank Thee for the constant and abiding faith which leads on through joy and sorrow, sunshine and cloud, to the full fruition of the perfected manhood in the Jesus of Nazareth. Give us, we beseech Thee, plenteously of that faith, that we may follow his lead in the common daily duties of life that Thy purposes may be fulfilled in us now and evermore. Amen.

The Journal of the proceedings of yesterday was read and approved.

#### CALENDAR WEDNESDAY—SOUTH CAROLINA NAVAL MILITIA.

The SPEAKER. This is Calendar Wednesday, and the Clerk will call the committees.

Mr. BURNETT (when the Committee on Immigration and Naturalization was called). Mr. Speaker, a parliamentary inquiry.

The SPEAKER. The gentleman will state it.

Mr. BURNETT. Under the rule under which the immigration bill was being considered I understood from the Speaker that that bill would not be in order to-day.

The SPEAKER. The Chair thinks not.

Mr. BURNETT. Then, Mr. Speaker, I have a resolution which the committee directed me to call up, House joint resolution 79.

The SPEAKER. The Clerk will report the resolution.

The Clerk read as follows:

H. J. Res. 79. Authorizing the Secretary of Labor to permit the South Carolina Naval Militia to use the Charleston Immigration station and dock connected therewith.

The SPEAKER. The House automatically resolves itself into the Committee of the Whole House on the state of the Union.

Mr. BURNETT. Mr. Speaker, there is no objection, I think, to this resolution and I ask unanimous consent that the resolution may be considered in the House as in the Committee of the Whole House on the state of the Union.

The SPEAKER. The gentleman from Alabama asks unanimous consent that this resolution be considered in the House as in the Committee of the Whole House on the state of the Union. Is there objection? [After a pause.] The Chair hears none. The Clerk will read the resolution.

The Clerk began the reading of the resolution.

Mr. STAFFORD. Mr. Speaker, a parliamentary inquiry.

The SPEAKER. The gentleman will state it.

Mr. STAFFORD. Is this resolution being read the first time, or is it being read for amendment?

The SPEAKER. This is the first reading of the resolution.

Mr. BURNETT. Mr. Speaker, I ask unanimous consent to dispense with the first reading of the resolution.

The SPEAKER. The gentleman from Alabama asks unanimous consent to dispense with the first reading of the resolution. Is there objection? [After a pause.] The Chair hears none. The Clerk will read the resolution for amendment.